	**FIRST - TIER TRIBUNAL** **PROPERTY CHAMBER** **(RESIDENTIAL PROPERTY)**
Case Reference	**MAN/00EJ/MRA/2026/0090**
Property	**44 Lotherton Drive, Spennymoor, County Durham, DL16 7FE**
Tenant	**Howard Baker**
Tenant's Representative	**None.**
Landlord	**Lewis Flanagan**
Landlord's Address	**C/o Kan-move (Lettings Ltd), 38 High Street, Spennymoor, Durham, DL16 6DB**
Landlord's Representative	**None.**
Date of Application	**26 July 2026**
Type of Application	**Determination of an Open-Market Rent sections 13 & 14 of the Housing Act 1988**
Tribunal Members	**Joe Fraser FRICS** **Ransford Stewart MBE**
Date of Decision	**29th October 2026**
Rent Determined	**£650 per calendar month**
Date of Valuation	**24 August 2026**
Date the new rent takes effect	**24 November 2026**

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REASONS FOR THE DECISION

Background

1. On 12 May 2026, the Landlord served a notice under Section 13 (2) (as amended) of the Housing Act 1988 which proposed a new rent of £750.00 per calendar month (pcm) in place of the existing rent of £650.00 pcm to take effect from 24 August 2026.

2. On 26 July 2026, under Section 14 (A3) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of an open-Market Rent.

3. The tenancy commenced on 24 August 2024. The rental period is monthly.

Allocation of Repairs between Landlord and Tenant.

4. As per section 11 of the Landlord and Tenant Act 1985.

Service Charges or furniture provided by Landlord (other than carpets and curtain and white goods specified below) and the costs relating to the same.

5. None.

Liability for Council Tax

6. The Tenant is responsible for the payment of Council Tax in respect of the Property. The rent determined is exclusive of Council Tax.

Any other terms of the tenancy taken into consideration in determining the rent.

7. None.

Hearing

8. Neither party requested an oral hearing. The Tribunal has considered this case on the basis of the papers provided by the parties and its own knowledge and specialist expertise.

The Property

9. The Property is a first floor flat, offering the following accommodation:

   Property: one living room, two bedrooms, one bathroom/wc, one kitchen

   Outside: garage

   The Property benefits from gas fired central heating, double glazing, carpet and vinyl floor coverings.

Evidence

10. The tenant completed form MR1. No MR2 response was provided by the Landlord.

The Tenant

11. The Tenant made the following comments:

    a) The Tenant said that the proposed rent is higher than the Market Rent of similar local properties and that the Market Rent is £650pcm. They say that the proposed increase is excessive.

12. The Tenant provided comparable evidence in the form of screen shots of properties listed to let on Rightmove, being houses, and a 2-bed maisonette to let under a social housing tenancy from Durham County Council. The range in asking rents was £437.00 to £600.00 pcm.

The Landlord

13. The Landlord did not provide a completed MR2 form.

14. The Landlord did not provide comparable rental evidence.

Determination and Valuation

15. Under section 14(1) of the Housing Act 1988 (as amended), the Tribunal is required to determine the rent at which the Property might reasonably be expected to let in the open market by a willing Landlord at the beginning of the new period specified in the Landlord's notice. Relevant Tenant improvements or failure of the Tenant to comply with the terms of the tenancy are to be disregarded. Historic issues relating to the tenancy or the personal circumstances of the Landlord are not taken into account. The personal circumstances of the Tenant are only considered if an application for hardship has been made.

16. Relying on its own expertise and general knowledge of rental values in the area, and the comparables provided by the Tenant, the Tribunal considers that the Market Rent of the subject Property modernised and in good order would be in the order of £650.00 pcm. This is the rent we would expect the property to let for in the open market at the valuation date and if it was in the same general condition as the comparable properties including having floor coverings provided by the landlord.

Open-Market Rent **£650.00 pcm**

Undue hardship

17. The new rent takes effect from the date which is the beginning of the first new period of the tenancy which begins on or after the date of the determination unless that would cause undue hardship to the tenant. In cases of undue hardship, the Tribunal has a discretion to fix a later starting date up to two months after it makes its determination.

18. The Tenant has asked the Tribunal to fix a later starting date in this case. The Tenant says they will be caused undue hardship because they are retired and on state pension, that the proposed rent would be unaffordable and is well above the rate of inflation.

19. The Landlord did not respond to the Tenant's application for postponement due to hardship.

20. The threshold for demonstrating undue hardship is high. The Tenant has produced no evidence to support their submissions. On the basis of the evidence provided, the Tribunal considers that for the increase to take effect from the date the Tribunal makes its determination would not cause undue hardship and does not fix a later starting date.

21. The Tribunal determines the new rent amount at £650.00 per calendar month with effect from 24 November 2026 which is the beginning of the first new period of the tenancy which begins on or after the date of the determination.

Decision

22. The Tribunal determines the new rent amount at £650.00 per calendar month with effect from 24 November 2026 as this is lower than the proposed rent of £750.00 per calendar month.

Reimbursement of Fees

23. The Tenant has requested the Tribunal make an Order that the Landlord should reimburse their application fee of £47.00.

24. The Tenant says that were the Landlord prepared to negotiate, an application to the Tribunal would not have been required and that if the Tribunal finds the Landlord's proposed rent is not a true reflection of the Market Rent of the property, the application fee should be returned.

25. The Landlord has not made any submissions.

26. Given that the Tribunal has determined the rent at £650.00pcm and that the Landlord has not engaged with this process, the Tribunal Orders the Landlord to refund the Tenant's application fee of £47.00.

APPEAL PROVISIONS

If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision. Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days after the issue of this statement of reasons (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013) stating the grounds upon which it is intended to rely in the appeal.