	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	MAN/00CE/MRA/2026/0133
Property	18 Cusworth Road, Doncaster, DN5 9RE
Tenants	Clare & Michael Newnham
Tenants' Representative	None
Landlord	Paul Tomlinson
Landlord's Address	93 Arksey Lane, Bentley, Doncaster, DN5 0RY
Landlord's Representative	Cameron Slingsby (My Property Store)
Date of Application	13 August 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Colin Green (Legal Chairman) Jim Gallagher MRICS (Valuer Member)
Date of Decision	28 October 2026
Rent Determined	£600.00 per calendar month
Date the new rent takes effect	1 November 2026

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REASONS FOR THE DECISION

Background

1. The Tenants are tenants of the Property of which the Landlord is the current owner. The Tenants have misplaced their tenancy agreement and were unable to provide a copy when they made their application. The Landlord has not provided a copy of any tenancy agreement. Therefore, the Tribunal concludes that the Tenants occupy under an assured monthly tenancy with the rent payable monthly in advance. The date the rent is payable is unknown.

2. On 17 June 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 (as amended) which proposed a new rent of £625.00 per calendar month (pcm) in place of the existing rent of £550.00 pcm to take effect from 29 August 2026.

3. On 13 August 2026, under Section 14 (A3) of the Housing Act 1988, the Tenants referred the Landlord's notice proposing a new rent to the Tribunal for determination of an open-market rent.

Allocation of Repairs between Landlord and Tenant

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

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

5. None.

Liability for Council Tax

6. The Tenants are 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 & Inspection

8. Neither party requested a hearing, but the Tenants requested an inspection. By a decision of the Tribunal dated 4 September 2026, it was determined that the Tribunal would make its determination based on the evidence submitted and would not carry out an inspection, for the reasons given. It was directed however, that should the parties wish to submit further photographic evidence relating to the issue of conditions and/or disrepair raised in the application, they could do so by 11 September 2026. Further photographs of the Property were provided by the Tenants. The Tribunal is satisfied that it can properly consider this case based on the papers provided by the parties and its own knowledge and specialist expertise.

The Property

9. The Property is a two-bedroom mid-terraced house, with a living room, back room and kitchen on the ground floor and a bathroom/WC on the first floor. There is central heating, double glazing, carpets in most rooms, vinyl in the kitchen, laminate in the front room and passage. There is a small forecourt at the front of the property and a small back garden and outhouse at the rear.

Evidence

10. The parties completed the relevant MR1 (Tenant), MR2 (Landlord) and MR3 (Tenant's reply) forms.

11. The evidence and submissions of the parties are best considered under the following heads.

Condition of the Property

12. It should be noted at the outset that the function of the Tribunal is to determine the market rent for the Property based on a hypothetical letting on the open market of the Property by a hypothetical landlord to a hypothetical tenant, on the valuation date, which is the 29 August 2026, the date of increase in the Landlord's notice. The Tribunal takes a snapshot of the Property, and it is the condition of the Property at that date which is relevant. Any defects which were not present or remedied before that date are ignored. Likewise, the history of defects in the Property and any delays in remedying them are not relevant save

to the extent that they assist in determining the condition of the Property as of the valuation date.

13. The Tenants' MR1 refers to extensive damp and mould in the rear living room, kitchen, bathroom and middle bedroom and uneven "wonky" floorboards on the first floor. There is also a comment about the lack of repairs. Photographic evidence is included in the application showing the interior and exterior of the property; the interior photographs show extensive areas of mould and damaged plasterwork.

14. The Landlord's MR2 includes in evidence a 42 page My Property Store (MPS) Inventory and Check-In Report dated 25 July 2014, a letter from Doncaster City Council dated 10 May 2023 regarding alleged items of disrepair and an MPS Visit Record dated 17 May 2023 which lists interior and exterior elements of the property with a rating scheme on condition ranging from poor to excellent. This record also shows work in hand and recommendations for further work to be undertaken by the Landlord.

15. Also included in the evidence bundle is a screen shot of a letter from the Housing Enforcement Team at the council which says (following an inspection on 26 May 2023) "It was agreed between the tenant and the Landlord that no further involvement from the Environmental Health team was required at that stage."

16. As regards the present state of the property the Landlord addresses the issues of mould and damp which is said to have been investigated with no obvious defects being detected. Reference is made to household activities such as cooking, bathing, showering and drying clothes that cause moisture. That build-up of moisture needing adequate ventilation and heating to deal with condensation and the conditions where mould can develop.

17. The Landlord also says that there is no history of significant mould or damp in the property from previous occupations.

18. In their response to the Landlords MR2, the Tenants list 25 known defects that the Landlord and MPS are said to be aware of. These include extensive areas of damp and mould on the ground and first floors, cracked and crumbling plaster to the ground floor rooms, uneven floorboards on the first floor, issues with windows in terms of restricted emergency access and the adequacy of the boiler.

19. Outside the property the condition of the outhouse and front gate are listed.

20. In addition, the response references the absence of extractor fans and damage to the hob in the kitchen. The latter and many of the other issues are supported by photographic evidence.

21. The Tenants have also provided moisture metre readings from a handheld device for the ground floor rooms.

22. The photographic evidence provided to the Tribunal in terms of mould, damp and perished plaster, as things stand at the valuation date, is persuasive. Although lifestyle factors can contribute to mould growth there comes a point where the extent of the problem makes this explanation alone unsatisfactory. The absence of adequate ventilation for example through the fitting of extractor fans is often a contributory factor, together with matters such as rising or penetrating damp. The Tribunal does not place significant weight on the damp meter readings included in evidence as these readings can be misleading or inaccurate depending on the sophistication of the equipment used and the technical knowledge of those undertaking the exercise. The damaged hob and uneven floorboards are not matters the Landlord has challenged. Overall, the Tribunal finds the Property to be in a poor state of repair.

Comparables

23. No comparables have been provided by the Tenants. The Landlord's comparables are all 3-bedroom properties in the DN5 postcode area, available to let, taken from Rightmove: West End Avenue £750.00 and £795.00 pcm, Swan Street £800.00 pcm, The Avenue £725.00, £750.00 and £950.00 pcm, Fern Avenue £750.00 pcm, Radcliffe Road £800.00 pcm, Grafton Hall £725.00

pcm and Victoria Road £725.00 pcm. The Landlord says there are no 3-bedroom properties to let in the area below £700.00 pcm.

24. The Tenants' comments on comparables: Swan Street (£800.00 pcm) "As spacious garden, well equipped kitchen no mention of property condition extractor fan, modern boiler. No sign of raising damp or mould." The Avenue (£750.00 pcm) "W/C downstairs, no mould or raising damp can be seen." West End Avenue (£792.00 pcm) "Extractor fan, modern kitchen and bathroom, newly refurbished throughout, property rating - high? It says waiting in value for epc rating. No mould or raising damp can be seen.", Fern Avenue (£750.00 pcm) "Extractor fan, no mould or raising damp can be seen." Radcliffe Road (£800.00 pcm) "modern diner/kitchen, large bathroom, extractor fan, off street parking, no mould or raising damp can be seen." The Avenue (£950.00 pcm) "Downstairs has a W/C, en-suite. This property seems very large to be compared prices/houses. No mould or raising damp can be seen."

25. The Tenants also refer to council properties letting at £400.00+ but do not provide any further evidence on this.

Determination and Valuation

26. Under section 14(1) of the 1988 Act (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 Tenants 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 Tenants are only considered in respect of the date of commencement of the new rent if an application for hardship has been made (which is not the case here).

27. As regards the numerous comparables provided by the Landlord, except for one, they fall within the range of £725.00 - £800.00 pcm. Relying on its own expert, general knowledge of rental values in the area, the Tribunal considers that the market rental of the Property in good order would be £725.00 pcm.

From this level of rent, the Tribunal has made an adjustment of £125.00 pcm to reflect the condition of the Property as discussed above, to produce a figure of £600.00 pcm. There are no valuation formulas or tables for quantifying such an adjustment. It is based on the Tribunal's estimation of the reduction which would be negotiated to reflect the condition of the Property as of the valuation date of 29 August 2026, again using its expert, general knowledge of such matters.

Decision

28. 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 (28 October 2026). As noted in paragraph 1 above, the rent payment date is not known, but since the tenancy is monthly it seems likely that the first day of each month is the date on which a new period of the tenancy commences. Therefore, the Tribunal determines the new rent amount at £600.00 pcm with effect from 1 November 2026.

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 of 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.