	**FIRST - TIER TRIBUNAL** **PROPERTY CHAMBER** **(RESIDENTIAL PROPERTY)**
Case Reference	**HAV/00MR/MRA/2026/0111**
Property	**Flat 6** **35 Granada Road** **Southsea** **PO4 0RD**
Tenant(s)	**Luke O'Brien**
Tenant's Representative	**None**
Landlord(s)	**P J Yeates Property**
Landlord's Address	**One Battery Row** **Old Portsmouth** **Hampshire** **PO1 2ND**
Landlord's Representative	**None**
Date of Application	**29th August 2026**
Type of Application	**Determination of an Open-Market Rent sections 13 & 14 of the Housing Act 1988**
Tribunal Members	**I R Perry FRICS** **S Johnson**
Date of Decision	**2nd November 2026**
Rent Determined	**£750 per calendar month**
Date of Valuation	**1st September 2026**
Date the new rent takes effect	**1st December 2026**

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REASONS FOR THE DECISION

Background

1. On 17th June 2026 the Landlord served a notice under Section 13 (2) (as amended) of the Housing Act 1988 which proposed a new rent of £775 per calendar month (pcm) in place of the existing rent of £ 675 pcm to take effect from 1st September 2026.

2. On 29th August 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 1st September 2025. The rental period is monthly.

Validity Of Notice – Section 13B of the Housing Act 1988

4. In his application form, the Tenant has indicated that they consider the Landlord's notice to be valid.

Allocation of Repairs between Landlord and Tenant.

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

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

6. None.

Liability for Council Tax

7. 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.

8. None.

Reasons

9. These reasons address the key issues raised by the parties. They do not recite each and every point referred to either in submissions or during any hearing. However, this does not imply that any points raised, or documents not specifically mentioned were disregarded. If a point or document was referred to in the evidence or submissions that was relevant to a specific issue, then it was considered by the Tribunal. The Tribunal concentrates on those issues which, in its opinion, are fundamental to the application.

Hearing

10. Neither party requested an oral hearing.

The Property

11. The Property is a second floor flat with accommodation comprising a hall, living room, kitchen, bedroom and bathroom.

12. The accommodation has gas-fired central heating and double-glazed windows. Internal floorings are provided and there are 3 parking spaces serving 8 flats on a first come basis.

Evidence

13. The parties completed the relevant MR1 with photographs (tenant), MR2 (landlord) and MR3 (tenant's reply).

The Tenant(s)

14. The Tenant(s) made the following comments:

    a) He provided a report from Nordic Damp Proofing ("NDP") identifying dampness in the property, including significant damp affecting the living room wall, visible damp staining and condensation-related mould. NDP recommend a damp-proof membrane and an improvement to mechanical ventilation.

    b) He states that there are outstanding repairs to the bath and that he has carried out various repairs himself during his occupancy.

c) He refers to other historic issues and states that he has taken steps to manage the effects of dampness and mould, including the use of a dehumidifier.

d) The Tenant provided blinds to the windows and he has carried out other improvements.

15. The Tenant states that rents for 1-bedroom properties in the area range from £750 to £850 pcm.

16. He also refers to rents for other flats in the building but accepts that this is not definitive evidence.

The Landlord(s)

17. The Landlord(s) made the following comments:

a) The NDP report identifies elevated internal humidity and inadequate mechanical extraction in relation to condensation and mould and that there is no finding of rising damp or water ingress.

b) Some maintenance matters have taken time to resolve.

c) The living room wall affected by damp is an internal wall. A leak from a flat above had been identified in September 2026 and rectified.

d) The kitchen has an opening window which should be sufficient for ventilation but can be augmented by a cooker hood, and the bathroom extractor might require cleaning. The Landlord suggests that these should be done at the Tenants expense.

18. The Landlord states that an identical flat below the Property was let in March 2026 for £850 pcm.

19. There are four other 1-bedroom flats in the building currently let at £795 pcm.

Determination and Valuation

20. 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.

21. Relying upon its own expertise and general knowledge of rental values in the area, and the comparable evidence provided by the parties, the Tribunal considers that the market rent of the Property, if presented in good condition and repair and without the matters identified at paragraph 22 below, would be £850 per calendar month. The Tribunal has had particular regard to the recent letting of the comparable flat within the same building at £850 per calendar month.

22. The Tribunal accepts that there was dampness affecting part of the Property around the valuation date and that this adversely affected the tenant's enjoyment of the accommodation. While the Tribunal does not consider the issue sufficiently extensive to justify a substantial reduction in rental value, it has reflected the matter in the adjustments made below.

23. From this level of rent, the Tribunal has made adjustments in relation to the following:

    a) Tenant's provision of blinds.
    b) Damp wall.
    c) Inadequate mechanical air extraction.
    d) Tenant's general improvements.

    The full valuation is shown below:

Starting Rent			£ 850 pcm
Less			
a)	Items given under a) above	£ 25	
b)	Items given under b) above	£ 25	
c)	Items given under c) above	£ 25	
d)	Items given under d) above	£25	£ 100 pcm
Open-Market Rent			£ 750 pcm

Undue hardship

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.

24. The Tenant has asked the Tribunal to fix a later starting date in this case. The Tenant says he would be caused undue hardship but this "will not cause immediate, direct structural hardship" and has not provided any evidence in support of his claim.

25. The threshold for demonstrating undue hardship is high.

26. As a result of our decision the rent will increase by £75 per month. On the basis of the evidence supplied the Tribunal considers that for the increase to take effect from the date beginning of the first period of the tenancy which begins on or after the date of the determination would not cause undue hardship and accordingly sets the starting date for the new rent as 1st December 2026.

Decision

27. The Tribunal determines the new rent amount at £ 750 pcm with effect from 1st December 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 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.