	**FIRST - TIER TRIBUNAL** **PROPERTY CHAMBER** **(RESIDENTIAL PROPERTY)**
Case Reference	**LON/00AX/MRA/2026/0264**
Property	**11 Gateways, Surbiton Hill Road, Surbiton, KT6 4TR**
Tenant	**Nicoletta Vianello**
Tenant's Representative	**None**
Landlord	**Elizabeth Sarah Sephton**
Landlord's Address	**72 Sweyn Road, Cliftonville Margate, Margate, CT9 2DD**
Landlord's Representative	**Shayan Waziri, Dexters London Limited**
Date of Application	**4 August 2026**
Type of Application	**Determination of an Open-Market Rent sections 13 & 14 of the Housing Act 1988**
Tribunal Members	**R Waterhouse FRICS** **M Lynch**
Date of Decision	**4 November 2026**
Rent Determined	**£1775.00 per calendar month**
Date of Valuation	**7 September 2026**
Date the new rent takes effect	**7 November 2026**

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REASONS FOR THE DECISION

Background

1. On 23 June 2026, the Landlord served a notice under Section 13 (2) (as amended) of the Housing Act 1988 which proposed a new rent of £1895.00 per calendar month(pcm) in place of the existing rent of £1745.00 pcm to take effect from 7 September 2026.

2. On 4 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 7 August 2023. The rental period is monthly.

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

4. In their application form, the Tenant has indicated that they consider the Landlord's notice is invalid due to the following reasons, that they had not received the Notice outside the 2-month required notice period. The tenant noting the notice was provided through a document transfer application known as docusign. The tenant claimed not to have received the document outside the two-month window. Tenant says they received it 3 August 2026. The landlord contended it had been sent with sufficient time this being 23 June 2026.

5. The Tribunal finds that there is no evidence to indicate the Notice had not been sent on the 23 June 2026, and treats the Notice as valid.

The tenancy

6. The terms of the tenancy are those expected to be found in the tenancies of the comparable rents drawn from the market.

Hearing

7. 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

8. The Property is a ground floor flat forming part of a 1930s low rise block. The flat has two bedrooms, living room, kitchen and bathroom. There is a small garden,

which is separated from the building by a communal pathway and is not enclosed.

Evidence

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

The Tenant

10. The Tenant made the following comments:

    a) The Tenant noted in their application form the general condition of the flat and proposed a rent of £1675 pcm, based on the 2024 Gateways letting adjusted for inflation.

11. The Tenant noted that on taking up the tenancy several items required repair.

12. The tenant noted several comparables;
    a. Surbiton Hill Road KT6 2 bedroom asking £1300 pcm but from 2023.
    b. Gateways Surbiton KT6 2 bedroom asking £1600 pcm dating from 2024
    c. Adelaide Road one bedroom from 2026 asking £1500 pcm
    d. Ewell Road 2 bedroom asking £1950 pcm
    e. Longley Road 2 bedroom asking £1695 pcm
    f. Oakenshaw Close 2 bedroom asking £ 1850 pcm
    g. Lovelace Gardens 2 bedrooms asking £1750 pcm
    h. Victoria Avenue 2 bedrooms asking £1800 pcm
    i. Surbiton Hill Park 2 bedroom asking £1650 pcm
    j. Portsmouth Road 2 bedrooms, asking £ 1600 pcm
    k. Surbiton Crescent 2 bedrooms asking £ 1800 pcm
    l. Fassett Road 2 bedroom asking £ 1925 pcm
    m. River Road 2 bedroom asking £ 1600 pcm
    n. Grove Road 2 bedroom asking £1900 pcm
    o. Lovelace Gardens 2 bedrooms £1750 pcm (the same flat as item g)

The Landlord

13. The Landlord made the following comments:

    a) The Landlord supplied three comparable properties and a "Best Price Guide":
        a. St Marks Hill KT6 at £2200 pcm
        b. Cadogan Road KT6 at £2995 pcm
        c. Lovelace Road at £2095 pcm

d. A “Best Price Guide” giving thumbnail details of 15 two-bedroom flats advertised between 1 May 2026 and 7 September 2026, said to be within 0.25 miles of the Property, at asking rents of £1950 to £2250 pcm.

14. The Landlord in response to the suggestion that there were items of disrepair in the property stated that these issues that been resolved. The Landlord wished to keep the proposed rent of £1895 pcm and stated that the Property would be likely to be marketed at £2050 pcm.

Findings

15. The Tribunal finds that there is no evidence that items of disrepair remain outstanding. The location, the character of the development and the nature of the garden are shared with the Gateways comparable and are reflected in the starting rent. The figure of 50 sq m relied on by the Tenant relates to a different flat (6 Gateways). The history of the tenancy and the size of the increase do not affect the open-market rent.

Determination and Valuation

16. 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.

17. From the tenant's comparables the Tribunal places weight on buildings of the same historic age notably the 2024 letting of Gateways showing £1600 pcm and the Surbiton Crescent listing of 2026 at £1800 pcm. The Gateways property is from 2024 so is historic but provides context. The Surbiton Crescent listing is larger.

18. From the landlord’s comparables Lovelace Road is the closest in nature at £2095 pcm.

19. Relying on its own expertise and general knowledge of rental values in the area, and the comparables provided by the Landlord and the Tenant, the Tribunal considers that the market rent of the subject Property modernised and in good order would be in the order of £1895.00 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 a modern kitchen and bathroom, a functioning oven and white goods provided by the landlord.

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

    a) Dated kitchen, dated bathroom

    The full valuation is shown below:

Starting Rent		£ 1895.00 pcm
Less		
a) Items given under a) above	£120.00 pcm	
Open-Market Rent		**£1775 pcm**

Decision

21. The Tribunal determines the new rent amount at £1775 pcm with effect from 7 November 2026 which is the beginning of the first new period of the tenancy which begins on or after the date of the determination.

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.