



**FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **BIR/00CN/MNR/2019/0030**

Property : **126 Coles Lane, Sutton Coldfield, West
Midlands, B72 1NP**

Landlord : **Mr P Mills**

Tenant : **Mrs D A Hughes**

Type of Application : **An Application for a Determination under
Section 14 of the Housing Act 1988.**

Tribunal Member : **V Ward BSc Hons FRICS**

Date of Inspection : **30 July 2019**

Date of Decision : **07 August 2019**

STATEMENT OF REASONS

BACKGROUND

1. By way of a notice dated 22 May 2019, Mr P Mills, the landlord, sought to increase the rental in respect of 126 Coles Lane Sutton Coldfield West Midlands B72 1NP, the property, to £700.00 per calendar month under section 13 of the Housing Act 1988 with effect from 16 July 2019.
2. The tenancy commenced on 16 July 1990 and the rent payable at the time of the notice was £660.00 per calendar month.
3. On 17 June 2019, Mrs D A Hughes, the tenant of the property, referred the notice of increase of rent served by the landlord to the Tribunal.
4. Neither party requested a hearing in which oral representations could be made. The Tribunal received written representations from the parties which were copied across accordingly.
5. The Tribunal inspected the property on 30 July 2019.
6. After consideration of the available evidence and the applicable law the Tribunal determined a rental of £680.00 per calendar month with effect from 16 July 2019.

THE PROPERTY

7. The property comprises a semi-detached house which benefits from gas fired heating, double glazing and the following accommodation:

Ground floor: hall, lounge, dining room and kitchen.

First floor: three bedrooms and bathroom.

Outside: gardens front and rear.

8. The tenant had made the following improvements:
 - a) The construction of a lean-to extension to the kitchen
 - b) The erection of a timber garage and brick store. The timber garage was approached via a right of way over a driveway from Douglas Road.
 - c) The installation of some cupboards.
9. The Tribunal noted that the wiring installation did not appear to have been checked for a considerable period.

THE LAW

10. In accordance with the terms of section 14 of the Housing Act 1988 the Tribunal must determine the rent at which it considers that the subject property might reasonably be expected to let on the open market by a willing landlord under an assured tenancy.
11. In so doing the Tribunal, as required by section 14(1), must ignore the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of the Act.

REPRESENTATIONS OF THE PARTIES

12. The Tenant's submissions outlined the improvements she had made to the property, as detailed above, noted leaking guttering and concluded that the rent proposed was a considerable increase. The Landlord's representations stated that the guttering had been attended to and a new window has been installed to the kitchen.

VALUATION

13. In the first instance the Tribunal determined what rent the landlord could reasonably be expected to obtain for the property if it were let today in the condition that is considered usual for such an open market letting. In the absence of any evidence from either of the parties, it did this by its own general knowledge of the market rent levels in the area of North Birmingham and concluded that the likely market rental would be in the order of £820 per calendar month.
14. To allow for the tenant's improvements, the age of the wiring and also to reflect the Tenant's greater decorating liability in respect of the property when compared with an open market letting, the Tribunal considered that an allowance of £90 per calendar month should be made. A further deduction of £50 per calendar month was made for the Tenant's fittings including floor coverings, curtains and white goods, which are usually provided in an open market letting.
15. Therefore, the Tribunal having regard to the information provided by the parties, their own inspection and their own general knowledge and experience of market rent levels in the area concluded that an appropriate market rent for the property would be £680.00 per calendar month.
16. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £680.00 per calendar month with effect from 16 July 2019.

17. In reaching its determination, the Tribunal had regard to the evidence and submissions of the parties, the relevant law and their own knowledge and experience as an expert Tribunal but not any special or secret knowledge.
18. If either party is dissatisfied with this decision they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on a point of law only. 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 decision (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.

V WARD BSc (Hons) FRICS