



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

**Case Reference** : BIR/00CN/MNR/2019/0037

**Property** : 100 Sundridge Rd., Birmingham, West Midlands, B44 9PA

**Applicant** : Natasha Clarke

**Respondent** : Philomena Connolly

**Type of Application** : Appeal against notice proposing a new rent for an Assured Shorthold Periodic Tenancy under section 13(4) of the Housing Act 1988

**Tribunal Members** : Mr I.D. Humphries B.Sc.(Est.Man.) FRICS  
Mr J. Arain

**Date and Venue of Hearing** : 22nd October 2019 at the First-tier Tribunal (Property Chamber), City Centre Tower, 5-7 Hill St., Birmingham

**Date of Decision** : 22nd October 2019

**Date of Reasons** : 6 November 2019

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**DECISION**

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- 1 The rent is determined at £675.00 (Six Hundred and Seventy Five Pounds) per calendar month from 15th August 2019.

## REASONS

### Introduction

- 2 The tenant, Mrs Natasha Clarke, holds an assured monthly tenancy of 100 Sundridge Road, Birmingham, B44 9PA, where she has been the tenant since 15th June 2018. It was let unfurnished.
- 3 On 14th July 2019 the landlord served notice of increase under section 13(2) of The Housing Act 1988 proposing a rent increase to £725.00 per calendar month to take effect on 15th August 2019. Neither the previous nor proposed rents included any payment for Council Tax, water rates or fixed service charges.
- 4 On 19th August 2019 the tenant applied for the rent to be determined by the First-tier Tribunal (Property Chamber).
- 5 On 22nd October 2019 the Tribunal inspected the property and determined the rent at £675.00 per calendar month from 15th August 2019.
- 6 On 28th October 2019 Mrs Clarke requested Reasons for the Tribunal's decision.

### The Law

- 7 Section 14 of The Housing Act 1988 states:

*'(1) Where, under subsection (4)(a) of section 13 above, a tenant refers to a rent assessment committee a notice under subsection (2) of that section, the committee shall determine the rent at which, subject to subsections (2) and (4) below, the committee consider that the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy -*

- (a) which is a periodic tenancy having the same periods as those of the tenancy to which the notice relates;*
- (b) which begins at the beginning of the new period specified in the notice;*
- (c) the terms of which (other than relating to the amount of the rent) are the same as those of the tenancy to which the notice relates;...'*

*'(2) In making a determination under this section, there shall be disregarded -*

- (a) any effect on the rent attributable to the granting of a tenancy to a sitting tenant;*
- (b) any increase in the value of the dwelling-house attributable to a relevant improvement carried out by a person who at the time it was carried out was the tenant, if the improvement-*
  - (i) was carried out otherwise than in pursuance of an obligation to the immediate landlord ...*

- 8 The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) from 1st July 2013.

## **Facts Found**

- 9 The Tribunal inspected the property on 22nd October 2019. Mrs Connolly and Mrs Clarke were present at the inspection. Mrs Connolly attended the subsequent Hearing but Mrs Clarke was not present although she had been given the opportunity of attending.
- 10 The property comprises an end-terrace former Council house on a housing estate in north Birmingham. It is within walking distance of local shops and facilities.
- 11 The accommodation comprises a hall, reception room, kitchen, conservatory, landing, three bedrooms and bathroom. It has gardens to the front and rear.
- 12 The house is of two storey brick and tile construction with double glazing and central heating. It has been modernised within the last two years as the carpets and flooring have been replaced, new windows fitted and the bathroom suite replaced.
- 13 The property was in good condition at the date of inspection.

## **Submissions**

- 14 A Hearing was held at the Tribunal office after the inspection.
- 15 The Applicant's Submission  
Mrs Clarke did not attend the Hearing although she sent an email on 1st October 2019 setting out the history of repairs at the property. She said the heating system had failed on occasions and that other repairs had been necessary.
- 16 The Respondent's Submission  
Mrs Connolly submitted a schedule of asking rents for 24 houses to let in Birmingham post code districts B42, B43 and B44 where the subject house was located, with rents ranging from £650 to £850 per month. She described the properties she considered most comparable and advised whether they were terraced or semi-detached and gave the number of bedrooms in each, although all but two were three bedroom properties. The properties she considered most relevant were in Sundridge Road (the same as the subject property) where the asking rent was £695 per month, and three, three bedroom semi-detached houses in Copthorne Road (£750 per month), Shady Lane (£850 per month) and Templeton Road (£750 per month). Mrs Connolly described the extent of refurbishment carried out before the property was let to Mrs Clarke.

## **Decision**

- 17 The house was in good condition. The Tribunal found it was in a popular residential area and had been refurbished. The Tribunal are unable to comment on any alleged failures in the heating system as it was operating on the day of inspection and the Tribunal are required to value as seen on the day. The Tribunal considered the rental evidence provided by Mrs Connolly and together with its own general experience, found the market rental value in accordance with the Housing Act 1988 to be £675.00 per calendar month.
- 18 The Tribunal therefore determined the rent in accordance with section 14 of The Housing Act 1988 at £675.00 (Six Hundred and Seventy Five pounds) per calendar month with effect from 15th August 2019.

I.D. Humphries B.Sc.(Est.Man.) FRICS  
Chairman

## **Appeal**

If either party is dissatisfied with this decision an application may be made to this Tribunal for permission to appeal to the Upper Tribunal, Property Chamber (Residential Property) on a point of law only. Any such application must be received within 28 days after the decision and accompanying reasons have been sent to the parties (Rule 52 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).