



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

**Case Reference** : **BIR/00CN/MNR/2020/0014**

**HMCTS (paper, video audio)** : **P: PAPERREMOTE**

**Property** : **21 Tennal Drive, Harborne, Birmingham, B32 2DU**

**Landlord** : **Midland Heart**

**Tenant** : **Vinette Caroll**

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

**Tribunal Member** : **V Ward BSc Hons FRICS – Regional Surveyor  
N Wint BSc (Hons) FRICS ACI Arb**

**Date of Decision** : **1 July 2020**

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**DECISION**

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## **BACKGROUND**

1. By way of a notice dated 24 February 2020, the Landlord sought to increase the rental in respect of 21 Tennial Drive, Harborne, Birmingham B32 2DU to £106.51 per week (including fixed service charges of £2.42 per week) under section 13 of the Housing Act 1988 (“the Act”) with effect from 6 April 2020.
2. The tenancy commenced in May 2011 and the rent payable at the time of the notice was £103.75 per week (including fixed service charges of £2.37 per week).
3. By an application received on 11 March 2020, the Tenants referred the Notice of increase of rent served by the Landlord to the Tribunal.
4. Due to the Covid-19 Public Health Emergency, the Tribunal advised the parties that it would determine the Market Rent for the property based on the written submissions by the parties; the Tribunal did not intend to hold an oral hearing (unless one was requested by the parties) or inspect the property internally. This is following Public Health England’s advice to avoid unnecessary travel and social interaction for the time being. In view of this, the parties were invited to make further submissions if they wished.
5. Neither party requested a hearing.
6. The parties were further advised that the Tribunal may use internet mapping applications to gather some information about the location of the property and may, in some cases, inspect externally without entering onto the property.
7. From the information provided and available to the Tribunal, the following information was noted about the Property.

The Property comprises a mid-terraced house with the following accommodation over two floors:

Kitchen; lounge; two bedrooms; bathroom

Externally, there are gardens and off-road car parking.

8. The Tenant provided some photographs and stated that they wished the rent to be reduced.
9. The Landlord did not make any submissions.

## 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.

## VALUATION

12. 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.
13. The Tribunal's determination considers what rent the landlord could reasonably be expected to obtain for the Property if it were let today. As it is a fixed service charge, the Tribunal considers the total amount charged to the Tenants i.e. the rent plus the service charge. It did this by using its own general knowledge of the market rent levels in Birmingham. Taking all factors into consideration, the Tribunal concluded that the likely market rental would be £140.00 per week. However, to allow for the condition the Tribunal makes a deduction of £10.00 per week. The Tribunal made a further deduction of £23.00 per week to reflect the Tenants' white goods, carpets and curtains and decorating liability. This results in a rental of £107.00 per week including service charge. As this sum is not significantly different from that demanded by the Landlord, the Tribunal adopts that amount. **The Tenant should note that the Tribunal has no jurisdiction to reduce the existing rental.**
14. The rent determined by the Tribunal for the purposes of Section 14 is, therefore, £106.51 per week (including fixed service charges of £2.42 per week) with effect from 6 April 2020.
15. 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 decision (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013) stating the grounds upon which it is intended to rely in the appeal.

V WARD BSc (Hons) FRICS