



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

Case Reference : **BIR/00CN/MNR/2020/0050**

Property : **14 North Gate, Harborne, Birmingham, B17
9EP**

Landlord : **Grainger plc**

Representative : **BPT (Residential Investments) Ltd**

Tenant : **Christine Thomson**

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

Tribunal Members : **Nicholas Wint BSc Hons FRICS (Chair)
Derek Douglas**

Date of Decision : **18 December 2020**

Date of Statement of Reasons : **16 February 2021**

STATEMENT OF REASONS

BACKGROUND

1. By way of a notice dated 8 September 2020, Grainger plc (“the Landlord”), sought to increase the rental in respect of 14 North Gate Harborne Birmingham B17 9EP (“the Property”) to £205 per week under section 13 of the Housing Act 1988 (“the Act”) with effect from 19 October 2020.
2. The tenancy commenced on 6 April 1992 for the term of one year and the rent payable at the time of the notice was £195 per week.
3. By an application received on 12 October 2020, Christine Thompson, (“the Tenant” of the Property), referred the Notice of increase of rent served by the Landlord to the Tribunal.
4. The Tribunal issued its Directions dated 21 October 2020 advising that it would seek to determine the Market Rent for the Property based on written submissions by the parties. In accordance with Public Health England’s advice the Tribunal did not inspect the Property and neither party requested a hearing.
5. The Tribunal received submissions from Mr Ryan Tucker who is employed by the Landlord as Portfolio Manager and from Mrs Thompson representing herself.
6. After consideration of the available evidence and the applicable law, the Tribunal determined a rental of £195 per week with effect from 19 October 2020.
7. On the 13 January 2021 the Landlord requested the Tribunal provide extended reasons which is the basis upon which this decision is made.

THE PROPERTY

8. In accordance with the guidance the Tribunal was unable to carry out an internal inspection of the Property.
9. The parties are however in agreement that the accommodation briefly comprises a traditional 2 storey three-bedroom mid-terrace house with a pitch slate tiled roof. The ground floor extends to two reception rooms and a kitchen and bathroom with the first floor providing three bedrooms and a w.c.
10. The windows are timber frame and single glazed and there is full gas fired central heating throughout the Property as well as a separate gas fire in each of the living rooms.
11. Externally there is a garden area to the front and rear but there is no off-road parking.

12. In terms of location, the Property is located in the area known as Moor Pool in Harborne amongst properties of a similar age, type and class approximately 3 miles south west of Birmingham city centre.
13. The Tenant advises that the Property was originally 2 bedrooms with the third bedroom having been converted from a former bathroom on the first floor. The bathroom (including w.c. and wash hand basin) having been relocated to the ground floor w.c. In effect the Tenant considers the Property to be 2 bedrooms and a box room only sufficient to take a single bed without any furniture.
14. The Tenant also suggests that there are issues with heating the Property arising from the single glazed windows, its traditional construction and minimal loft insulation. The Tenant also raises issues concerning the external paintwork and a general lack of maintenance carried out by the Landlord.
15. In support of these claims the Tenant has provided a number of photographs for the Tribunals consideration.
16. The Landlord advises that the Property is located in a sought-after location close to a number of amenities, leisure facilities and transport links. It also considers the Property is generally in a fair condition and whilst it may not be up to all modern standards will always attend to any matters when these are reported.
17. As regard the Property's specification the Landlord accepts that the bathroom and kitchen are both in need of modernisation and that similar comparable properties benefit from double glazing and include carpets and curtains.
18. The Tenant advises that all the white goods in the Property are owned by her as well as the carpets. In addition, she has installed a wardrobe in one of the bedrooms and erected a fence panel down the side of the property. Mrs Thompson also points out that there is no fixed shower in the bathroom.

EVIDENCE

19. The Tribunal considered the submissions made by the parties and also had regard to its own experience and expertise in such matters.
20. The representations received from the Landlord set out a number of comparable properties that were available through local agents in the local area. In particular High Brow Harborne - a 3-bedroom mid-terrace property at £312 per week, Station Road Harborne - a 3-bedroom mid-terrace property also at £312 per

week and High Brow Harborne a – a 3-bedroom semi-detached property at £368 per week.

21. Based on this evidence, Mr Tucker considered that the subject Property's rental value should be based on £205 per week taking into account its age, condition and tenancy type. In effect Mr Tucker valued the Property at £312 per week less various adjustments for a modernised bathroom and kitchen, double glazing and floor coverings and curtains and has rounded this down.
22. Mrs Thompson's evidence in support of her rental value were based on a 3-bedroom semi-detached property on Wolverhampton Road South, a 3-bedroom end-terraced house on Radbourne Road Harborne at £850 per calendar month and a 3-bedroom mid terrace house on Ferncliffe Road Harborne at £700 per calendar month.
23. Neither party provided any further comments on the evidence adduced by the other side and each has referred to different comparable properties from the immediate area.

THE LAW

24. 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.
25. 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

26. 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. It did this by using its own general knowledge of the market rent levels in and around the Harborne area and 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.
27. The Tribunal had particular regard to the Property's location, accommodation and specification in relation to the evidence adduced by the parties.

28. Taking all factors into consideration, the Tribunal concluded that the likely market rental would be £310 per week.
29. However, to allow for the Property's smaller sized third bedroom, limited parking arrangements, general condition and the need to modernise the kitchen and bathroom as well as the lack of double glazing the Tribunal made a deduction of £60 per week.
30. A further deduction of £55.00 per week was then made to allow for the Tenant's fittings (floor coverings and white goods and other minor additions) and to reflect the Tenant's liability for decoration.
31. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £195.00 per week with effect from 19 October 2020.

APPEAL

32. 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) Rule 2013) stating the grounds upon which it is intended to rely in the appeal.

Nicholas Wint BSc (Hons) FRICS

Dated: 16 February 2021