



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

Case Reference : **BIR/00CN/MNR/2023/0023**

Property : **269 Heather Road Small Heath Birmingham
B10 9BE**

Landlord : **M Islam**

Tenant : **J Ullah**

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

Tribunal Members : **Nicholas Wint BSc Hons FRICS
Julie Rossiter MBA MRICS**

Date of Decision : **3 May 2023**

STATEMENT OF REASONS

BACKGROUND

1. By way of a notice dated 1 February 2023, Mohammed Islam (“the Landlord”), sought to increase the rental in respect of 269 Heather Road Small Heath Birmingham B10 9BE (“the Property”) to £850 per month under section 13 of the Housing Act 1988 (“the Act”) with effect from 1 March 2023.
2. The tenancy commenced on 1 July 2019 and the rent payable at the time of the notice was £610 per month.
3. By an application dated 7 February 2023, Mr J Ullah (“the Tenant”) referred the Notice of increase of rent served by the Landlord to the Tribunal.
4. The Tribunal issued its Directions dated 20 February 2023 and listed the case on 3 May 2023 carrying out an internal inspection. The parties did not request a hearing.
5. No further written submissions were received from either party.
6. After consideration of the available evidence and the applicable law, the Tribunal determined a rental of £725 per month with effect from 1 March 2023.
7. Upon receipt of the decision the Landlord requested the Tribunal provide reasons. These written reasons should therefore be read in conjunction with the Decision of the Tribunal dated 3 May 2023.

THE PROPERTY

8. The Property is located to the east of Birmingham city centre in Small Heath.
9. The accommodation briefly comprises a mid-terrace 2-storey house comprising a living room, kitchen, ground floor WC with shower cubicle and on the first floor three bedrooms (two double and one single) and a small WC. The Property is centrally heated and has double-glazed windows. There is off-street parking for a vehicle to the front of the property and to the rear a garden area.
10. The Landlord has supplied the carpets and curtains as well as all the white goods. No other improvements have been carried out to the Property by either the Landlord or Tenant since it was first let.
11. The Tribunal found on its inspection that the Property’s general condition was below the standard expected of a property to let in this location noting several areas of disrepair. The Tribunal was also made aware by the Tenant of several areas of damp and mould occurring throughout the property.

EVIDENCE

12. The Tribunal received no written representations from either party except in connection with the submitted Reply Forms and the information contained therein; the Landlord enclosing a print-out from an on-line property website detailing average asking prices and average monthly rents for 3-bedroom houses in the Birmingham area.
13. Neither the Landlord or Tenant made any further representations.

THE LAW

14. 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 ...

15. The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) from 1st July 2013.
16. 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.

17. 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

18. In reaching its determination, the Tribunal has 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.
19. 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.
20. The Tribunal, as an expert Tribunal, used its own general knowledge of market rental levels in the area and from its own research into rental values for similar types of property from the surrounding areas. The Tribunal also had particular regard to the location, extent of the accommodation, and condition/ disrepair of the Property in relation to the evidence it considered.
21. There were no Tenants' improvements and so no deductions were made in this respect. Taking all factors into consideration, the Tribunal was satisfied and concluded that the likely market rental would be £725 per month.
22. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £725 per month with effect from 1 March 2023.

RIGHT OF APPEAL

23. 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