



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

Case Reference : **BIR/00CN/MNR/2023/0005**

Property : **95 Overdale Road Quinton Birmingham B32
2QR**

Landlord : **Oslava Chogleva**

Tenant : **Lisa Jones**

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 23 November 2022, Oslava Chougleva (“the Landlord”), sought to increase the rental in respect of 95 Overdale Road, Quinton, Birmingham B32 2QR (“the Property”) to £900 per month under section 13 of the Housing Act 1988 (“the Act”) with effect from 1 January 2023.
2. The tenancy commenced on 1 September 2019 and the rent payable at the time of the notice was £650 per month.
3. By an application dated 27 December 2022, Lisa Jones (“the Tenant”) referred the Notice of increase of rent served by the Landlord to the Tribunal.
4. The Tribunal issued its Directions dated 16 January 2023 and listed the case on 3 May 2023 carrying out an internal inspection followed by a VHS hearing on the same day. The inspection and hearing were attended by both parties.
5. In accordance with the Directions the Tenant and Landlord both returned to the Tribunal a completed Reply Form. A statement from the Tenant was also received together with details of various similar type properties from the area.
6. No further written submissions were received from either party.
7. After consideration of the available evidence and the applicable law, the Tribunal determined a rental of £900 per month with effect from 3 May 2023.
8. Upon receipt of the decision the Tenant 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

9. The Property is located to the west of Birmingham city centre on the western edge of Harborne.
10. The accommodation briefly comprises a mid-terrace 2-storey house comprising a living room, kitchen, ground floor bathroom and on the first floor three bedrooms (two double and one single). 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.
11. The Landlord has supplied the carpets and blinds as well as the white goods (cooker and washing machine) but the fridge belonged to the Tenant. No other improvements have been carried out to the Property by either the Landlord or Tenant since it was first let.

12. The Tribunal found on its inspection that the Property was in reasonable decorative order and generally reasonably well maintained. The Tribunal was however made aware by the Tenant of some areas of damp and mould occurring in the bathroom and kitchen areas.
13. Other than these minor matters the Tribunal found the property to be in reasonable condition and decorative order given its age and location.

EVIDENCE

14. The Tribunal received no written representations from either party except in connection with the submitted Reply Forms and the information contained therein. The Tenant did however submit details of several similar type properties from the area in support which were considered by the Tribunal at the subsequent hearing. No specific evidence was submitted by the Landlord.
15. The Tribunal was also made aware that the Tenant had advised the Landlord that she was vacating the Property as she was in the process of buying a house and therefore intended to vacate by 28 February 2023.
16. The hearing was conducted via the Video Hearing Service (VHS) and was attended by both parties. At the hearing the Tenant went through the information on her Reply Form and referred to the details of the comparable properties she had submitted. The Landlord was similarly questioned by the Tribunal and gave evidence of her views as to the rental value of the Property.
17. Neither the Landlord or Tenant made any further representations.

THE LAW

18. 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 ...
19. The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) from 1st July 2013.
20. 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.
21. 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

22. 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.
23. 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.
24. 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 carefully considered the comments made by the parties in the hearing and had regard to the evidence submitted by the Tenant and opinions of the Landlord. The Tribunal also had regard to the location, accommodation, and condition of the Property in relation to the evidence it considered.
25. There were no Tenants' improvements and so no deductions were made in this respect. No deductions were made for the other issues identified by the Tenants as these were considered minor by the Tribunal and were not considered

significant as to affect the rental value of the Property. Taking all factors into consideration, the Tribunal was satisfied and concluded that the likely market rental would be £900 per month.

26. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £900 per month with effect from 1 January 2023.

RIGHT OF APPEAL

27. 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