



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

Case Reference : **BIR/00CN/F77/2023/0024**

Property : **Flat 1, 23 Milford Road,
Birmingham, B17 9RL**

Applicant : **Miss Ruth Whapples**

Respondent : **Midland Heart**

Type of Application : **Determination of registered rent.
S70 Rent Act 1977**

Tribunal: **Tribunal Judge P. J. Ellis
Tribunal Member Mr N Wint FRICS**

Date of Hearing : **22 November 2023**

Date of Decision : **17 January 2024**

DECISION

Introduction

1. By an application dated 13 March 2023 the landlord Midland Heart a Registered Social Landlord, applied to the rent officer for the registration of a fair rent in respect of the Property.
2. The Rent Officer registered a rent of £92.00 per week (including 19.74 per week service charges) on 24 May 2023, effective from the same date.
3. The Tenant objected to the rent determined by the Rent Officer on 16 June 2023. The Matter was referred to the Tribunal which gave directions on 31 July 2023. The matter came on for a hearing on 22 November 2023 on the papers without an inspection.
4. The Tribunal determined the Rent Officer's determination was correct. The Tenant has asked for the reasons for the Tribunal's decision.
5. The landlord did not submit any representations or evidence. The Tenant supplied a substantial bundle of documents including previous Decisions of this Tribunal and a Decisions of the Social Entitlement Tribunal made on 18 October 2018.

The Property

6. The Property is part of a conversion of an older property. Architect's drawings produced in the Tenat's bundle show a two bedroom flat on the ground floor comprising a living room and study/bedroom on either side of the entrance hall way, a bedroom to the rear right of the hall. A bathroom then kitchen on the left side of the hallway. The total floor area is given as 71.96sq m.
7. The Tenant is the sole occupant but has severe disabilities. In order to make the living space suitable for her the property has been altered with approval of the local planning authority. District Judge A Ramsay in the Social Entitlement Chamber described alterations. A hoist system was installed. Part of the two front rooms, both previously used as bedrooms although one was shown as a living room, were adjusted to enlarge the hallway to enable her wheelchair to be manoeuvred. Further adjustments were described to facilitate the Tenat's needs. That Tribunal concluded the Property had one bedroom.

8. In June 2016 this Tribunal inspected the Property to fix a new rent at that time. In its statement of reasons for its Decision the Property was described as a self-contained ground floor flat with a parking space in what was originally a double fronted three-storey Victorian semidetached house constructed of brick with a slate covered roof. It was converted approximately 32 years ago into three flats. The Tribunal could not inspect at that time but it was shown photographs which showed the accommodation comprised a lobby, hall, study, living room, main bedroom with en-suite bathroom and a kitchen. This Tribunal was also provided with photographs showing the sole bathroom is ensuite to the bedroom and accessible only through the bedroom.

The Tenancy

9. The tenancy is a statutory protected weekly periodic tenancy subject to s11 Landlord and Tenant Act 1985. The tenancy commenced in March 1985.

The Submissions

10. The landlord's application was for a new rent of £121.21 per week including service charges of £19.74 per week. The then current rent was £79.74 per week including the service charges.

11. The Tenant challenged the apportionment of service charges to her apartment, contending that they should be no higher than £15.82 per week due to anomalies in the wiring of the fire alarm through her meter. Proposed works of upgrading the fire alarm system notified to the Tenant in June 2023 were delayed in order that there could be consultations between the parties.

The Law

12. Previous decisions of the Tribunal involving these parties have set out the relevant law and factors to be considered in making a rent determination. It is not proposed to repeat the description in this decision.

The Decision

13. The parties did not submit any evidence of comparable rents in the area for either one- or two-bedroom properties. The Rent Office assessed the market rent for the Property as £173.08 per week. The Tribunal exercised its own

discretion in determining the market value before making the Maximum Fair Rent calculation.