



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

Case Reference : **BIR/00CN/MNR/2023/0173**

Property : **Apartment 266 Kettleworks 126 Pope St
Birmingham**

Landlord : **Vision Properties**

Tenant : **Hsun Huang**

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

Tribunal Members : **Nicholas Wint FRICS
L Packer**

Date of Decision : **30 April 2024**

STATEMENT OF REASONS

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BACKGROUND

1. The Landlord served a notice on the Tenant dated 21 July 2023 under section 13 of the Housing Act 1988 seeking to increase the rent of the Property from £700 to £800 per month with effect from 30 August 2023.
2. Upon receipt the Tenant made an application dated 28 July 2023 referring the notice of the proposed increase to the First-tier Tribunal Property Chamber (Residential Property).
3. The Tribunal issued its Directions dated 15 September 2023 and listed the case for a paper only determination on 8 January 2024. Neither party requested the Tribunal carry out an inspection.
4. The Tenant and Landlord both returned to the Tribunal a completed Reply Form. The Landlord included details of several properties from the area in support of the rental proposal as did the Tenant.
5. No further written submissions were received from either party.
6. Following the hearing and after consideration of the available evidence and the applicable law, the Tribunal determined a rent of £800 per month with effect from 30 August 2023 and issued its decision on this basis.
7. Upon receipt of an letter dated 22 January 2024 the Tenant requested the Tribunal provide reasons. These written reasons should therefore be read in conjunction with the Decision of the Tribunal dated 8 January 2024.

THE PROPERTY

8. The Property is a first-floor studio flat in Hockley Birmingham known locally as the Jewellery Quarter.
9. No improvements have been carried out to the Property by either the Landlord or Tenant since it was first let.

EVIDENCE

10. According to the Tenant's application form the Property was let furnished and includes a bed, wardrobe, dining table and chairs, coffee table, bedside table, bedside cabinet and 2-seater sofa.
11. The Landlords Reply Form states that the windows are double glazed, and that they provided all the white goods (cooker, washing machine and fridge). No

mention is made by the Landlord of any heating on the form but presume this is electric wall mounted radiators (as confirmed on the EPC) and that the Landlord also supplied all the floor coverings at the beginning of the tenancy.

12. On the Tenants application form it refers to a dishwasher that the Landlord has been notified requires repairing and that the coffee table and bed side table also need repairing. In response the Landlord claims that they have not previously been made aware of these issues as they may have only been reported to the previous managing agents. Nevertheless, they advise they have contacted the Tenant to obtain further information with a view to resolving the matters.
13. Attached to the Tenants Reply Form are various copy emails from the Tenant to the Landlord's managing agent referring to a faulty dishwasher, faulty spot light in toilet and reference to the furniture that's needs repairing.
14. The Landlord has submitted details of a number of properties from the local area ranging in rental value from £800 to £925 per month which are all similar in type, age and size. The Tenant did not submit any letting evidence for the Tribunal's consideration.
15. The Tenant submitted details of one property at The Kettleworks apparently marketed by Martin & Co where the rent appears to be £675 per month but on the details, it states it is 'unavailable'. It is not therefore clear as to whether this property is let furnished or what condition it is in.
16. The Tribunal has not inspected the Property but given its age expects it will be broadly in an average condition/ decorative order and the same standard of similar type properties currently on the market to let.

THE LAW

17. 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 ...
18. The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) from 1st July 2013.
19. 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.
20. 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

21. 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.
22. 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.
23. The Tribunal has used its own general knowledge of market rental levels in immediate area and from its own research into rental values for similar types of property from the surrounding areas found similar type properties to let in order of £800 per month. The Tribunal has, therefore had regard to the location, accommodation and condition of the Property as well as its findings and had regard to the parties statements in arriving at its valuation of the Property.
24. There were no Tenants' improvements and so no deductions were made in this respect.
25. Taking all these factors into consideration, the Tribunal was satisfied and concluded that the likely market rental would be £800 per month.

26. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £800 per month.

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