



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

Case Reference : **BIR/00CR/MNR/2023/0152**

Property : **117 Cranbrook Road Handsworth
Birmingham B21 8PF**

Landlord : **Evict my Tenant**

Tenant : **Viviana Alegre-Jones**

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

Tribunal Members : **Nicholas Wint FRICS
David Satchwell FRICS**

Date of Decision : **April 2024**

STATEMENT OF REASONS

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BACKGROUND

1. The Landlord served a notice on the Tenant dated 29 June 2023 under section 13 of the Housing Act 1988 seeking to increase the rent of the Property from £475 to £800 per month with effect from 1 August 2023.
2. The Tenant made an application dated 5 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 7 August 2023 and listed the case for a VHS hearing 21 December 2023. However, due to technical difficulties the hearing was reconvened on 23 February 2024. Neither party requested the Tribunal carry out an inspection.
4. The Tenant returned a completed Reply Form to the Tribunal and included various internal photographs of the Property in support of their case. The Landlord did not return or complete a Reply Form. The Landlord did however submit a written statement for consideration by the Tribunal dated 21 February 2024.
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 £750 per month with effect from 1 August 2023 and issued its decision on this basis.
7. Upon receipt of an email dated 13 March 2024 received by the Tribunal the Tenant requested the Tribunal provide reasons. These written reasons should therefore be read in conjunction with the Decision of the Tribunal dated 23 February 2024.

THE PROPERTY

8. The Property is located in Handsworth Birmingham surrounded by similar type properties.
9. The Property is a 3-bedroom semi-detached house with a living room, dining room, kitchen, bathroom and garden and has off street parking.
10. The windows are double glazed and there is gas fired central heating throughout. The Tenant advises that they have provided all the carpets and curtains as well as the white goods (cooker, washing machine and fridge).

11. Neither party advises any improvements have been carried out to the Property since it was first let.

EVIDENCE

12. In the Tenant's Reply Form, it describes the Property as having two double bedrooms and one single bedroom and that she fully redecorated throughout. However, the Tenant also states that there are various issues of disrepair including damp and mould throughout, an internal wall crack, a failed seal around the living room window, a dilapidated external garden shed, and that the Landlord has not maintained the external parts of the Property. The Tenant supplied various photographs in support of these points.
13. In the Landlord's written statement, it states that he is not aware that the Property was suffering from damp and nor was he aware of the various issues of disrepair or damage caused by his builders and had he been, he would have attended to it. The Landlord also states the kitchen was fitted out and a new boiler and a new fence had been fitted but the shed referred to by the Tenant did not belong to him. Further, the Tenant had not asked for permission to redecorate. As regard evidence to support the Landlord's rental proposal, a letter from a local agent states that they have valued the property on a rental basis at £750 to £800 per month.
14. The Tenant also submitted a further written statement to the Tribunal dated 24 February 2024 following the reconvened Hearing. In that statement, the Tenant wished to clarify certain statements made by the Landlord in the earlier Hearing which the Tribunal read and considered.
15. At the reconvened Hearing, the Tribunal heard evidence from both parties which effectively went through in more detail the earlier statements made by the Tenant and Landlord. Neither party submitted any specific letting evidence of similar properties in the local area to support of their opinion as what the open market rental value of the Property should be. Both parties seemed to the Tribunal to base their opinions on a general view they had formed although the Landlord did submit a letter from a local agent which gave an opinion on the Property's rental value.

THE LAW

16. 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 ...

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

20. 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.
21. 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.
22. The Tribunal has used its own general knowledge of market rental levels in local area and from its own research into rental values for similar types of property from the surrounding areas. The Tribunal found similar type properties to let at

between £850 to £1000 per month in similar locations, that offered similar sized accommodation. The Tribunal also had regard to the parties statements and evidence given in the Hearing in arriving at its valuation of the Property.

23. There were no Tenants' improvements and so no deductions were made in this respect. The Tribunal was however considered that the Property was below the standard of the comparables and therefore made adjustments for the various disrepair issues referred to and the fact that the Tenant has provided the white goods and floor coverings.
24. Taking all these factors into consideration, the Tribunal was satisfied and concluded that the likely market rental would be £750 per month after making the above adjustments.
25. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £750 per month.

RIGHT OF APPEAL

26. 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