



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

Case Reference : BIR/00CN/MNR/2023/0266

Property : 7 Kirby Road, Winson Green, Birmingham, B18 4RG

Applicant : Safina Shaheen Rehman

Respondent : Mohammad Azram

Type of Application : Appeal against a Notice proposing a new rent under an Assured Periodic Tenancy under section 13(4) of the Housing Act 1988

Tribunal Members : I.D. Humphries B.Sc.(Est.Man.) FRICS
M. Alexander B.Sc. MRICS
J. Arain

Date and Venue of Hearing : N/A. Paper determination.

Date of Decision : 14 March 2024

REASONS FOR DECISION

- 1 The rent is determined at £795.00 (Seven Hundred and Ninety Five Pounds) per month with effect from 1 January 2024.

REASONS

Introduction

- 2 The Applicant, Safina Shaheen Rehman, had not provided a copy of any tenancy agreement but is understood to be an Assured Periodic tenant of the subject property.
- 3 On 27 November 2023 the landlord served notice of increase under section 13(2) of The Housing Act 1988 proposing a rent increase from £600.00 to £850.00 per month with effect from 1 January 2024. The rent did not include Council Tax or water charges.
- 4 On 18 December 2023 the tenant applied to the First-tier Tribunal (Property Chamber) to determine the rent.
- 5 The Tribunal issued Directions on 28 December 2023 and subsequently determined the rent on 14 March 2024 under section 14 of The Housing Act 1988, at £795.00 per month.
- 6 On 17 April 2024 the Tribunal received a request for Reasons from the tenant which are set out below.

The Law

- 7 Section 14 of The Housing Act 1988 ('the Act') 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 ...*

- 8 The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) on 1 July 2013.

Facts Found

- 9 The Tribunal did not inspect the property and reached its Decision based on the tenant's submission and views of Kirby Road on Google Streetview.
- 10 The property is a traditional Victorian terraced house in inner Birmingham. It fronts the pavement.
- 11 According to the tenant's application form, the accommodation comprises two living rooms, a kitchen, bathroom, two bedrooms and back garden.

Submissions

- 12 The Applicant's Submission
The Applicant provided very little information other than a list of rooms in the property and four points:
 - a) a note that there was damp in the rooms, some of which had been painted over;
 - b) the stair rail was loose;
 - c) the carpets had not been replaced and were claimed to be insanitary and
 - d) that Miss Rehman was in receipt of Universal Credit benefits.
- 13 The Respondent's Submission
No submissions were received from the landlord.

Decision

- 14 Neither party requested a Hearing and the Decision was reached on the submitted papers.
- 15 Neither party had provided any evidence of rents of other flats in the area and the Tribunal reached its decision based on its professional expertise and general knowledge. The Tribunal were aware there was very little to let in the area and the asking rents of those properties that were advertised were generally higher than the landlord's asking rent of £800.00 per month. Bearing in mind the location, condition of the property and general levels of market rents, the Tribunal considered the rental value based on the definition in section 14 of the Housing Act 1988 to have been £795.00 (Seven Hundred and Ninety Five Pounds) per month at the effective date of Notice, 1 January 2024.
- 16 The Tribunal were advised by the Applicant that she was in receipt of Benefit payments and that the Authorities would not pay more than £625.00 per month but were provided with no evidence that the rent determined would cause undue hardship. Accordingly, it determined the effective date of its Decision as the date in the Notice, 1 January 2024.

I.D. Humphries B.Sc.(Est.Man.) FRICS
Chairman

Appeal

In accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007 and rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the Tenant / respondent may make further application for permission to appeal to the

Upper Tribunal (Lands Chamber) on a point of law only. Such application must be made in writing and received by the Upper Tribunal (Lands Chamber) no later than 28 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal. Where possible, you should send your further application for permission to appeal by email to Lands@justice.gov.uk, as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently.

Alternatively, the Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 020 7612 9710).