



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

Case Reference : BIR/00CS/MNR/2024/0166

Property : 7 Cumberland Road, West Bromwich, B71 1HP

Applicant : Abigail-Marie Reay

Respondent : Randhir Singh Sidhu

Representative : My World Estate

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.(Hons.) MRICS

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

Date of Decision : 23 September 2024

REASONS FOR DECISION

- 1 The rent is determined at £850.00 (Eight Hundred and Fifty Pounds) per calendar month with effect from 5 August 2024.

REASONS

Introduction

- 2 The tenant, Abigail-Marie Reay, holds a monthly assured tenancy of 7 Cumberland Road, West Bromwich, B71 1HP that commenced 5 April 2019.
- 3 On 3 July 2024, the landlord sent Notice of rent increase to the tenant under section 13(2) of The Housing Act 1988, proposing to increase the rent from £650 pcm to £900 pcm on 5 August 2024. This did not include any Council Tax, water rates or service charge.
- 4 The tenant applied to the First-tier Tribunal (Property Chamber) to determine the rent.
- 5 On 23 September 2024 the rent was determined at £850 pcm by paper decision.
- 6 On 1 October 2024 the tenant requested Reasons for the Tribunal's decision.

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.
- 9 The tenancy agreement submitted by the tenant indicated that the property had been let by Randhir Singh Sidhu to Abigail-Marie Reay for six months from 5 April 2019 at an initial rent of £650 pcm which had not been increased until the landlord's agent served Notice of Increase on 3 July 2024.

Facts Found

- 10 The Tribunal did not inspect the property and reached its Decision based on information provided with the application and views of the property on Google Streetview.
- 11 The property is a two storey, semi-detached, former Council house on an estate of similar houses in West Bromwich. It is system built with rendering to the ground floor and panelling above with a pitched tile roof. Some houses in the locality have been refurbished but this house appears substantially original.
- 12 From the application form sent to the Tribunal, the accommodation comprises two living rooms, three bedrooms and a bathroom. There are front and back gardens.
- 13 Neither party requested a Hearing.

Submissions

- 14 Applicant
The tenant, Miss Reay, sent an email to the Tribunal on 7 August 2024 objecting to the increase as the house was an unimproved 'old tin house' with outstanding repairs. She had asked the landlord to carry out repairs but apparently nothing had been done.

Miss Reay provided no rental evidence to support her case.

- 15 Respondent
The Landlord's agent, My World Estate, sent an email to the Tribunal on 9 July 2024 advising that this was the first rent increase requested by the landlord since the start of the tenancy in 2019. While they considered the current market rental value to be £1,000 pcm, they had reduced the proposed rent to £900 pcm to take account of Miss Reay's circumstances.

Decision

- 16 The Tribunal applied its own general knowledge of market rents in the area and found that the rental value of traditionally built brick and tile semi-detached houses in the area in fair condition would have been at least £1,000 pcm. The subject house was system built and unmodernised but even allowing for these points, it would still have attracted a market rent of £850.00 pcm.
- 17 Accordingly, the Tribunal found the rental value in accordance with section 14 of the Housing Act 1988 to be £850.00 (Eight Hundred and Fifty Pounds) per calendar month with effect from the date in the landlord's Notice, 5 August 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).