



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

Case Reference	:	BIR/00CT/MNR/2024/0127
Property	:	159 Summerfield Road, Solihull, B92 8PT
Applicant	:	Margaret Victoria Miller
Respondent	:	West Ella Estates Limited
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 D. Satchwell FRICS
Date and Venue of Hearing	:	N/A
Date of Decision	:	17 September 2024

REASONS FOR DECISION

- 1 The rent is determined at £800.00 (Eight Hundred Pounds) per calendar month with effect from 1 June 2024.

REASONS

Introduction

- 2 The tenant, Margaret Victoria Miler, holds a monthly assured tenancy by succession of 159 Summerfield Road, Solihull, B92 8PT.
- 3 On 14 April 2024, the landlord at the time, Grainger Ltd., sent Notice of Increase to the tenant under section 13(2) of The Housing Act 1988 proposing to increase the rent from £725.00 pcm to £800.00 pcm with effect from 1 June 2024. This did not include any Council Tax, water rates or service charge.
- 4 On 22 April 2024 the tenant applied to the First-tier Tribunal (Property Chamber) to determine the rent.
- 5 On 23 May 2024 Grainger sold the Freehold interest to West Ella Estates Ltd.
- 6 On 11 June 2024 West Ella Estates sent a Submission to the Tribunal.
- 7 On 17 September 2024 the Tribunal determined the rent at £800 pcm and sent the Decision to the parties.
- 8 On 2 October 2024 the landlord, West Ella Estates Ltd., requested Reasons.

The Law

- 9 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 ...*

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

Facts Found

- 11 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.
- 12 The property is a traditional brick and tile semi-detached house in Solihull, West Midlands, with two reception rooms, three bedrooms, kitchen and bathroom. It has front and rear gardens and off road parking but no garage. The house has central heating and double glazing provided by the landlord. The tenant provided the white goods, carpets and curtains.
- 13 Neither party requested a Hearing.

Submissions

- 14 Applicant
The tenant, Miss Miller made no submissions.
- 15 Respondent
The Respondent sent a Schedule of 14 semi-detached houses, mainly three bedroom but one two bedroom, in various locations across Solihull with rents listed between £791 and £1,550 pcm. The Schedule advised that these rents had been achieved but there were no signed confirmation notes from the agents who let the properties to confirm the rents stated. There were photographs of the comparables providing a broad picture of their status with comments ranging from 'average order' to 'good order' but it was not clear whether Mr Bladon for the landlord had inspected them all inside personally or whether the descriptions were based on comments by other parties. Based on the Schedule, Mr Bladon said the average open market letting of an average 3 bedroom semi-detached house in average condition in April - May 2024 would have been £1,418 pcm.

Decision

- 16 The Tribunal considered the evidence and accepted the landlord's Notice of Increase that the rental value in accordance with section 14 of the Housing Act 1988 was £800 pcm to take effect on 1 June 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).