



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

Case Reference : **BIR/00CN/MNR/2024/0603**

Property : **14 Northgate Harborne Birmingham
B17 9EP**

Tenant : **C Thomson**

Landlord : **BPT (Residential Investments) Ltd**

Landlord's agent : **Grainger PLC**

Date of application : **15 October 2024**

Type of Application : **Determination of a Market Rent
sections 13 & 14 of the Housing Act
1988**

Tribunal Members : **V Ward BSc Hons FRICS
I.D. Humphries B.Sc.(Est.Man.)FRICS
N Wint FRICS**

**Date of Summary
Reasons** : **20/01/2025**

DECISION

**The Tribunal determines a rent of £230.00 per week with effect
from 11 November 2024.**

REASONS FOR THE DECISION

Background

1. On 24 September 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £240.00 per week in place of the existing rent of £225.00 to take effect from 11 November 2024.
2. On 3 October 2024, under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.

Inspection

3. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties and having regard to its own knowledge, expertise and online research.

Evidence

4. The Tribunal has considered the written submissions provided by the parties. The submissions by the Landlord appeared to relate to the neighbouring property – 12 Northgate – which is in common ownership, but which is occupied under a Rent Act 1977 tenancy.
5. From the information provided and available, the subject property appears to comprise a terraced house which benefits from central heating but no off-road parking.
6. The Tenant confirmed that the property had the following accommodation:

Two reception rooms, small kitchen, shower room, two bedrooms and box room. Windows to the property are single glazed. It is centrally heated with a gas fire in one of the reception rooms.
7. The Tenant contends that there are issues with the gas service pipe and further the windows do not now meet government standards for thermal efficiency. In addition, the Tenant states that the kitchen is in poor condition and was installed in 1992. There are issues with external joinery and decoration. Continuing the Tenant says that the property is poorly insulated, and the box room is suitable only for a single bed.
8. All white goods, carpets and curtains are the property of the Tenant who has also fitted new wardrobes and bathroom cupboards.

9. In terms of rental levels, the Tenant states that 10 Northgate is at a lower rental and offers large accommodation. Further the subject Property is not in a suitable condition to be let in the open market. On balance, the Tenant considers the increase disproportionate and unfair.

Determination and Valuation

10. Having considered the comparable evidence proved by the parties and of our own expert, general knowledge of rental values in the area, we consider that the open market rent for the property in good tenantable condition would be in the region of £1,250.00 per calendar month (i.e. £288.46 per week). From this level of rent we have made adjustments in relation to:

- a) General dilapidations including windows and external joinery.
- b) Older kitchen and bathroom fittings.
- c) Fitments provided by the Tenant.

11. The full valuation is shown below:

		per week
Market Rent		£288.46
<u>Less</u>		
a) Items given under a) above	£20.00	
b) Items given under b) above	£20.00	
c) Items given under b) above	<u>£20.00</u>	<u>£60.00</u>
	Total	£228.46
	Say	£230.00

Decision

12. The Tribunal therefore determined that the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an assured tenancy was £230.00 per week.
9. The Tenant raises hardship in their submissions, however due to the relatively nominal increase, the Tribunal declines to defer the date of increase. Accordingly, the Tribunal directs the new rent of £230.00 per week to take effect from 11 November 2024. This being the date as set out in the Landlord's Notice of Increase.

Chairman: V Ward

Date: 6 January 2025

APPEAL PROVISIONS

If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) **on any point of law arising from this Decision**. 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 statement of reasons (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013) stating the grounds upon which it is intended to rely in the appeal.

Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises

14 Northgate Harborne Birmingham
B17 9EP

The Tribunal members were

V Ward BSc Hons FRICS
I.D. Humphries B.Sc.(Est.Man.)FRICS
N Wint FRICS

Landlord

Grainger PLC

Address

Tenant

C Thomson

1. The rent is:

£230.00

Per

week

(excluding water rates and council tax but including any amounts in paras 3)

2. The date the decision takes effect is:

11 November 2024

3. The amount included for services is not applicable

Per

4. Date assured tenancy commenced

6 April 1992

5. Length of the term or rental period

Weekly

6. Allocation of liability for repairs

Landlord and Tenant Act 1985

7. Furniture provided by landlord or superior landlord

8. Description of premises

Terraced house with 2/3 bedrooms

Chairman

V Ward

Date of Decision

6 January 2025