



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

**Case Reference:** BIR/00CR/MNR/2024/0187

**Property:** 1 Great Bridge Road Bilston WV14 8NS

**Landlord:** Amarjit Kaur

**Tenant:** Meena Kumari

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

**Tribunal Members:** Nicholas Wint FRICS & R P Cammidge FRICS

**Date of Decision:** 07/02/2025

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**STATEMENT OF REASONS**

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## **BACKGROUND**

1. The Landlord served a notice on the Tenant dated 25 July 2024 under section 13 of the Housing Act 1988 seeking to increase the rent of the Property to £900 per month with effect from 1 September 2024.
2. The Tenant made an application dated 25 July 2024 referring the notice of the proposed increase to the First-tier Tribunal Property Chamber (Residential Property) including a copy of the tenancy agreement dated 28 April 2022.
3. The Tribunal issued its Directions dated 8 August 2024 asking the parties to complete Reply Forms and listed the case for an inspection on 29 November 2024 followed by a paper determination only.
4. The Tribunal received a completed Reply Form from the Tenant and the Landlord. The Tenant's Reply Form confirmed details of the accommodation, and that the property includes central heating, double glazing, and that the carpets and curtains and white goods belong to the tenant.
5. The Tenant also submitted a request for the Tribunal to consider an application for hardship under section 14(7) of the 1988 Housing Act effectively seeking to defer the starting date for any increase in rent the Tribunal may decide is payable.
6. No further written submissions were received from either party.
7. Following the hearing and after consideration of the available evidence and the applicable law, the Tribunal determined a rent of £900 per month with effect from 1 September 2024 and issued its decision on this basis.
8. Upon receipt of a letter submitted dated 14 December 2024 the Tenant requested the Tribunal provide reasons. These written reasons should therefore be read in conjunction with the Decision of the Tribunal dated 29 November 2024.

## **THE PROPERTY**

9. The Property is a two-storey detached house located on the southeast side of Bilston in a mixed residential and commercial area.
10. The accommodation includes 3-bedrooms, porch, hallway, living room, kitchen, utility, toilet, bathroom, conservatory. There is a driveway to the front and garden to the rear.
11. The windows are double glazed and there is central heating throughout.

## **EVIDENCE**

12. The Landlord submitted details of various comparable properties from the locality for the Tribunals consideration ranging in value from £1,000 to £1300 per month.
13. The Tenant did not submit any comparable evidence for the Tribunals consideration however did set out in their Reply Form various issues of disrepair.

## **THE LAW**

14. 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-
- (c) was carried out otherwise than in pursuance of an obligation to the immediate landlord ...'.

15. The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) from 1st July 2013.
16. 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.

17. 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**

18. In reaching its determination, the Tribunal has had regard to its findings from its inspection, the evidence and submissions of the parties, the relevant law and its own knowledge and experience as an expert Tribunal but not any special or secret knowledge.
19. 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.
20. The Tribunal has used its own general knowledge of market rental levels in the Bilston area and from its own research into rental values for similar types of property from the surrounding areas found similar type properties to let in region of £1,000 to £1,100 per month.
21. There were no Tenants' improvements and so no deductions were made in this respect.
22. The Tribunal was satisfied from its inspection and the submissions of the parties that the open market rental value of the property should be £1,100 per month and then made an adjustment for the general condition of the property and the various matters of disrepair including the dated kitchen and bathroom (internal and external cracking, poor fencing and other maintenance items) amounting to £200 per month.
23. Taking all these factors into consideration, the Tribunal was satisfied and concluded that the market rental would be £900 per month after making the adjustments for the above matters.
24. In conclusion, the Tribunal has had regard to the location, accommodation and condition of the Property as well as its findings and had regard to the parties' statements in arriving at its valuation of the Property.
25. The rent determined by the Tribunal for the purposes of Section 14 was, therefore, £900 per month.
26. The Tribunal also considered the Tenant's hardship request to fix a later starting date for any rental increase. The Tenant advised that she receives Housing Benefit which is included in her Universal Credit. The Tenant also submitted that

the increase proposed by the Landlord would leave her struggling to pay her bills and council tax and general grocery bills. However, the Tenant did not submit any specific financial information in support of her claim. The Tribunal was not therefore satisfied that the Tenant had sufficiently justified her claim and that determining the increased rent starting from the date in the Landlord's Notice would cause undue hardship. The Tribunal therefore determined that the rental increase shall not be deferred and shall apply from the notice date being 1 September 2024.

## **RIGHT OF APPEAL**

27. 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**