



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

**Case Reference** : **BIR/00CS/MNR/2024/0617**

**Property** : **49 Aster Way, Walsall WS5 4RX**

**Tenant** : **Lorraine Veronica Henry**

**Landlord** : **Mr Bhatt**

**Landlord's agent** : **Mohammed Ali, Great Move Estate Agents, 128 Caldmore Rd, Walsall. WS1 3RF**

**Date of application** : **23<sup>rd</sup> September 2024**

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

**Tribunal Members** : **Thomas Wyn Jones. FRICS  
Ian Humphries. FRICS  
Mark Alexander. MRICS**

**Date of Decision** : **13 March 2025**

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**DECISION**

**The Tribunal determines a rent of £1150.00 per month with effect from 14<sup>th</sup> February 2025**

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## **REASONS FOR THE DECISION**

### **Background**

1. On 17<sup>th</sup> September 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1150 per month in place of the existing rent of £950 per month to take effect from 1<sup>st</sup> November 2024.
2. On 23<sup>rd</sup> September 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 the 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, information provided by parties during the hearing and having regard to its own knowledge, expertise and online research.

### **Evidence**

4. The Tribunal has considered the written submissions provided by the Tenant and Landlord's Agent together with information provided at the video hearing held on 14<sup>th</sup> February 2025.

The subject property is a centrally heated and double glazed detached 3-bedroom house located in a residential area of similar properties with tarmac driveway leading to a single garage, small lawned area to front and enclosed garden area to rear. The accommodation comprises entrance hallway, WC, kitchen, and living room with main bedroom with ensuite, 2 further bedrooms and family bathroom on the first floor.

The Tribunal notes from the papers submitted by the Tenant that the central heating, double glazing, carpets and curtains were provided by the Landlord however the carpets to the living room, hallway, staircase, daughter's bedroom and main bedroom had been replaced by her in addition to replacing the ensuite carpet with laminate flooring. Further, the tribunal notes the Tenant's letter to the Landlord's Agent dated 23<sup>rd</sup> September 2024 within which "repair work" is requested, together with associated photographic evidence.

The Landlord's Agent provided no submissions.

5. Neither party provided evidence of comparable property lettings however the Landlord's agent indicated that in his view the market rent for 3-bedroom properties was between £1300 to £1,500 per calendar month.

### **Determination and Valuation**

6. Having taken into account the parties' submissions and evidence provided at the hearing together our own expert knowledge of rental values in the area, it is the Tribunal's opinion that the open market rent for the subject property in a good tenable condition would be £1200 per calendar month.

From this level of rent we have made adjustments in relation to:

- a) The property condition
- b) Improvements carried out by the Tenant
- c) Curtains, carpets and white goods fitted by the Tenant
- d) The Tenant's liability to redecorate.

7. The full valuation is shown below:

Market Rent		Per month £1200
<u>Less</u>		
a) Items given under a) above	£25	
b) Items given under b) above	£20	
c) Items given under c) above	£ 0	
d) Tenant's internal decoration liability	<u>£ 5</u>	
	<u>£50</u>	
		<u>£50</u>
	<b>Say</b>	<b><u>£1150</u></b>

## **Decision**

8. 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 £1150 per month with effect from 15<sup>th</sup> October 2024.

## **Hardship**

9. The Tenant raises the matter of hardship in their submissions accordingly the Tribunal directs the new rent of £1150 per month is to take effect from 1<sup>st</sup> January 2025.

**Chairman: Thomas Wyn Jones      Date: 14<sup>th</sup> February 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

**49 Aster Way  
Walsall  
WS5 4RX**

The Tribunal members were

**Thomas Wyn Jones. FRICS  
Ian Humphries. FRICS  
Mark Alexander. MRICS**

Landlord

**Mr Bhatt**

Address

**C/o Mohammed Ali, Great Move Estate  
Agents, 128 Caldmore Rd, Walsall. WS1 3RF**

Tenant

**Lorraine Veronica Henry**

1. The rent is: **£1150**

Per

**month**

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

2. The date the decision takes effect is:

3. The amount included for services is not  
applicable

Per

4. Date assured tenancy commenced

**01/01/2019**

5. Length of the term or rental period

**6 month fixed term**

6. Allocation of liability for repairs

**Landlord and Tenant Act 1985**

7. Furniture provided by landlord or superior landlord

**Kitchen furniture and white goods including cooker, hob & extractor fan.**

8. Description of premises

**Centrally heated and double glazed detached 3-bedroom house located in a  
residential area of similar properties with tarmacadam driveway leading to a  
single garage, small lawned area to front and enclosed garden area to rear**

**Chairman**

**Thomas Wyn  
Jones**

**Date of Decision**

**14<sup>th</sup> February 2025**