



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

Case Reference : **BIR/00CN/MNR/2024/0623**

Property : **25 Keer Court, Bordesley Village,
Birmingham B9 4PQ**

Tenant : **Piotr Pawel Podgorniak**

Landlord : **Bhupinder Sidhu, 31 St Peters Road,
Swansea. SA3 4SB**

Landlord's agent : **N/A**

Date of application : **1st October 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**

DECISION

**The Tribunal determines a rent of £775.00 per month with effect
from 5th October 2024**

REASONS FOR THE DECISION

Background

1. On 4th September 2024 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £775 per month in place of the existing rent of £675 per month to take effect from 5th October 2024.
2. On 1st 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 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 video hearing on the 14th February 2025 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 together with information provided at the hearing.

The subject property is a second floor, centrally heated and double glazed 2-bedroom apartment with accommodation comprising living room, kitchen and bathroom together with a single parking space.

The Tribunal noted the inventory and schedule of condition dated 1 June 2023.

5. The Tribunal was informed by the Tenant that as outlined in the schedule of condition he had undertaken considerable remedial works to the property including replaced floor coverings, internal painting and other remediation works (receipts enclosed within the tribunal bundle) for which he had a verbal agreement with the Landlord that he would be reimbursed the cost of materials. It is further noted by the Tribunal that the white goods including cooker, washing machine and fridge freezer were provided by the Landlord.
6. Whilst no comparable evidence of open market lettings was included within the submissions both Landlord and Tenant referred to comparable property lettings in the hearing.

The Tenant indicated in the hearing that 21 Keer Court was let at £650 per calendar month from October 2023, 23 Keer Court had been let at £620 (however the tenant had moved out and the property was now on the open market for sale), and 19 Keer Court was let at £700 per calendar month but this

property had been recently refurbished and was offered fully furnished. Further, the Tenant provided the Tribunal with a computer links to the following adverts:

- a. 15 Keer Court advertised at £650 per calendar month,
- b. 7 Keer Court advertised at £775 per calendar month but let at £750
- c. 33 Keer Court advertised at £900 per calendar month, and
- d. Apartment advertised on Zoopla at £900 per calendar month

The Landlord in his evidence informed the Tribunal that 18 Keer Court had been let at £875 per calendar month unfurnished (computer link provided to the former advert), the local authority was now paying £750 per calendar month for one person accommodation and that the rent for 17 Keer Court had recently increased to £920 per calendar month from November 2024.

Further, the Landlord offered the opinion that there was a 5% increase in rental value when comparing a middle floor apartment to one on the top floor thus the subject property should attract a premium rent.

Determination and Valuation

7. Having taken into account the comparable evidence provided by the parties and our own expert knowledge of rental values in the area, we consider the most relevant comparable evidence to be 18 Keer Court followed by 7 Keer Court. In considering these comparable properties the Tribunal is of the opinion that the open market rent for the subject property in a good tenantable condition would be £820 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.

8. The full valuation is shown below:

| | |
|-------------------------------|-------------------|
| Market Rent | Per month £820 |
| <i>Less</i> | |
| a) Items given under a) above | £20 |
| b) Items given under b) above | £ 15 |
| c) Items given under c) above | £ 5 |

| | | |
|---|------------|------------------------|
| d) Tenant's internal decoration liability | <u>£ 5</u> | |
| | <u>£45</u> | |
| | | <u>£45</u> |
| | | Say <u>£775</u> |

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 £775 per month with effect from 5th October 2024.

Chairman: Thomas Wyn Jones

Date: 14th 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

25 Keer Court, Bordesley Village, Birmingham B9 4PQ

The Tribunal members were

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

Landlord

Bhupinder Sidhu

Address

31 St Peters Road, Swansea. SA3 4SB

Tenant

Piotr Pawel Podgorniak

1. The rent is:

£775

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

Verbal tenancy agreement

5. Length of the term or rental period

N/a

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, washing machine and fridge freezer.

8. Description of premises

Second floor, centrally heated and double glazed 2-bedroom apartment with accommodation comprising living room, kitchen and bathroom together with single parking space

Chairman

Thomas Wyn Jones

Date of Decision

14th February 2025