



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

Case Reference : **BIR/00CN/MNR/2024/0644**

Property : **Flat 12 Carmelite Grange 345 Church Road
Yardley Birmingham B25 8XR**

Tenant(s) : **Terry Drakeford**

Landlord : **Platform Housing**

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

Tribunal Members : **V Ward BSc Hons FRICS
Judge David R Salter**

Date of Decision : **6 June 2025**

DECISION

The Tribunal determines a rent of £391.00 per calendar month (to include service charges of £40.48 per calendar month), with effect from 13 January 2025.

REASONS FOR THE DECISION

Background

1. On 25 November 2024, the Landlord served a notice under Section 13(2) of the Housing Act 1988 ("the Act") which proposed a new rent of £409.56 per calendar month (pcm) (to include service charges of £40.48 pcm), in place of the existing rent of £381.85 pcm (including service charges of £39.15 pcm), to take effect from 13 January 2025. The original tenancy commenced on 13 September 1999.
2. By an application received on 4 December 2024, under Section 13(4)(a) of the Act, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.
3. The Tribunal has considered this case on the basis of the papers provided by the parties, an inspection of the Property and having regard to its own knowledge, expertise and online research.

Inspection

4. The Tribunal carried out an inspection of the Property on 6 June 2025. The subject Property comprises a ground floor studio flat in a building that the Tribunal understands was a converted convent, which contains in excess of 20 flats of various sizes. There are communal grounds and car parking.

The subject Property itself offers the following accommodation:

Entrance hall with access off to open plan space incorporating kitchen, living and dormitory areas and separate shower room with wash hand basin, low flush WC and cubicle with electric shower.

Heating is via wall mounted electric heaters and windows are secondary double glazed.

Carmelite Grange is situated in the suburb of Yardley approximately 5 miles to the west of Birmingham City Centre. There are neighbourhood services within walking distance of the building.

Condition

5. Immediately upon entering the Property, the Tribunal members noted a strong pervading damp smell particularly in the open plan area. Kitchen and bathroom fittings would appear to date from the grant of the original tenancy in 1999.

Submissions of the Parties

The Tenant

6. The Tenant returned the Tribunal's Reply forms which indicated that he had provided the carpets and curtains and white goods to the Property.
7. In addition, the Tenant stated that the Property was damp, and the rent determined should reflect this.

The Landlord

8. The Landlord did not provide any submissions.

Determination and Valuation

9. Relying on its own expert, general knowledge of rental values in the area, the Tribunal considers that the majority of achieved rentals appear to be in the order of £400.00 to £585.00 pcm for house shares or single person accommodation although many of these appear to include "bills" – ie utility charges. Therefore, the Tribunal adopts, as a starting point, the rental of £480.00 pcm for the Property.
10. From this level of rent, a deduction has been made in relation to the damp issue that is evident in the Property which in the opinion of the Tribunal is serious such that it would prevent the Property being offered in the open market in its current condition. The adjustments made to the starting rental are, therefore, as follows:
 - a) Condition generally but particularly in relation to the damp issue as identified by the Tribunal's inspection.
 - b) White goods, carpets and curtains as provided by the Tenant.
 - c) Tenant's decorating liability at 5% of rental.

The full valuation is shown below:

Market Rent		pcm
		<u>£480.00</u>
<u>Less</u>		
a) Items given under a) above	£50.00	
b) Items given under b) above	£15.00	
c) Items given under c) above	£24.00	£89.00
Say		<u>£391.00</u>

Decision

17. Therefore, in the absence of an application for hardship under section 14(7) of the Act, the Tribunal determines the market rent at £391.00 per calendar month (to include service charges of £40.48 pcm) with effect from 13 January 2025.

Chairman: V Ward

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

Flat 12 345 Church Road Yardley
Birmingham B25 8XR

The Tribunal members were

V Ward BSc Hons FRICS
Judge David R Salter

Landlord

Platform Housing

Address

Tenant

Terry Drakeford

1. The rent is:

£391.00

Per

month

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

2. The date the decision takes effect is:

13 January 2025

3. The amount included for services is

£40.48

Per

month

4. Date assured tenancy commenced

13 September 1999

5. Length of the term or rental period

Monthly

6. Allocation of liability for repairs

Landlord and Tenant Act 1985

7. Furniture provided by landlord or superior landlord

8. Description of premises

One bedroom studio flat

Chairman

V Ward

Date of Decision

6 June 2025