



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

**Case Reference** : **BIR/ooCT/MNR/2025/0658**  
**Property** : **159 Summerfield Road Solihull B92 8PT**  
**Tenant** : **Margaret Miller**  
**Landlord** : **West Ella Estates Limited**  
**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** : **9 September 2025**  
**Date of Issue** : **17 September 2025**

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**DECISION**

**The Tribunal determines a rent of £1,000.00 per calendar month with effect from 1 June 2025.**

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## REASONS FOR THE DECISION

### Background

1. The Landlord served a notice under Section 13(2) of the Housing Act 1988 ("the Act") which proposed a new rent of £1,100.00 per calendar month (pcm), in place of the existing rent of £800.00 pcm, to take effect from 1 June 2025. This (assured) tenancy was created in 2009 following the death of her mother, who was a Regulated tenant at the property.
2. By an application received on 2 May 2025, 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.

### Inspection

3. The Tribunal has not carried out an inspection of the Property. Neither party requested an oral hearing. Accordingly, the Tribunal has considered this case on the basis of the papers provided by the parties and having regard to its own knowledge, expertise and online research.

### The Property

4. The information provided by the parties combined with the Tribunal's own research, confirmed essential details of the Property as a traditional semi-detached house, offering the following accommodation:

GF: Two reception rooms, kitchen;

FF: Two double bedrooms, single box bedroom and bathroom.

Outside: Driveway and gardens.

The Property is situated approximately 2 miles to the north of Solihull town centre. The Jaguar Land Rover plant is within close proximity.

The Property benefits from central heating and double glazing. The Tribunal is advised that white goods, carpets and curtains were provided by the Tenant who had also installed the kitchen and bathroom.

### Evidence

#### *The Landlord.*

5. The Landlord advised that a new boiler was installed in 2019 and that they had fitted new facias, gutters and soffits in May of this year at a cost of £3,180.00.

6. In terms of rental evidence, the Landlord had concluded that the open market rental value of the Property would be approximately £1,400.00 pcm based on the following comparables (all semi-detached houses with three bedrooms, in close proximity to the subject, as shown by photographs submitted):

Address	Date of Letting	Condition	Achieved Rent (£pcm)
73 Valley Road B92 9UA	8/3/25	Good Order	£1,400.00
57 Fallowfield Road B92	10/3/25	Very Good Order	£1,500.00
207 Castle Lane B92 8SW	25/11/24	Average Order	£1,450.00
41 Tanhouse Farm Road B92 9HA	20/9/24	Average Order	£1,350.00
869 Old Lode Lane B92 8JF	20/9/24	Average Order	£1,300.00

The Landlord, who considered the Property to be in fair condition but not up to modern standards, submitted the following valuation (£/pcm):

Market Rental Value	£1400.00
Deductions for Tenant's fittings/improvements:	
Decorations	£35.00
Floor coverings/curtains	£40.00
Deduction for better condition of comparables	£100.00
Tenant's white goods	£25.00
Tenant's kitchen	£50.00
	<u>£250.00</u>
Adjusted open market rental	£1,150.00

Based on the above, the Landlord sought a rental of £1,100 pcm.

The Landlord also made a comment to the effect that they do not believe scarcity is relevant due to the availability of other properties.

#### *The Tenant*

7. The Tenant's submissions were concerned with the level of the increase which by her estimation was approximately 40% and that since the previous increase in June 2024, the only works that had been carried out were in respect of the facias, gutters and soffits at a cost of just over £3,000.00. In the Tenant's opinion, the increase was not therefore justified particularly since the comparable properties offered as evidence were modernised to a higher standard.

## **Determination and Valuation**

8. The Tribunal would initially state that scarcity is only relevant to properties let under the Rent Act 1977 not tenancies falling under the Housing Act 1988. The Tribunal agrees with the Landlord that the market rental value for the Property in good order would be approximately £1,400.00 pcm. However, the Tribunal disagrees with the deduction of a £100.00 pcm for the better condition of the comparables. From the evidence provided, it would appear that the only expenditure of any note since the last increase in rent, has been for the facias, gutters and soffits whilst properties let in the open market generally are in reasonable or better order. The Tribunal therefore considers that an adjustment of £200.00 pcm is required in this respect, the Tribunal therefore adopts £1,200.00 pcm as a starting point.
9. From this level of rent, the Tribunal has made adjustments in relation to the following:
  - a) Tenant's white goods
  - b) Tenant's carpets and curtains
  - c) Allowance for Tenant's installation of kitchen and bathroom.
  - d) Tenant's decorating liability at 5% of market rental.

The full valuation is shown below:

	pcm
Market Rent	<u>£1,200.00</u>
<i>Less</i>	
a) Items given under a) above	£25.00
b) Items given under b) above	£40.00
c) Items given under c) above	£75.00
d) Items given under d) above	£60.00
	<b>£200.00</b>
<b>Say</b>	<b><u>£1,000.00</u></b>

## **Decision**

12. The Tribunal therefore determines the market rent at £1,000.00 per calendar month with effect from 1 June 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****159 Summerfield Road Solihull B92  
8PT****The Tribunal members were.****V Ward BSc Hons FRICS  
Judge David R Salter****Landlord****West Ella Estates Limited****Address****Tenant****Margaret Miller****1. The rent is: £1,000.00 Per month (excluding water rates and council tax but including any amounts in paras 3)****2. The date the decision takes effect is: 1 June 2025****3. The amount included for services is not applicable****Per****4. Date assured tenancy commenced****2009****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****Semi detached house with three bedrooms****Chairman****V Ward****Date of Decision****9 September 2025**