



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

**Case Reference** : **BIR/OOFN/MNR/2025/0736**

**Property** : **160a St Saviours Road  
Leicester  
LE5 3SG**

**Tenant** : **Charles E S Cropper**

**Landlord** : **EMH Housing and Regeneration Limited**

**Date of application** : **3<sup>rd</sup> April 2025**

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

**Tribunal Members** : **Mr G S Freckelton FRICS  
Mrs K Bentley  
Mr A Churchill BSC MRICS**

**Date of Decision** : **9<sup>th</sup> March 2026**

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**DECISION**

**The Tribunal determines a rent of £103.32 per month with effect from 7<sup>th</sup> April 2025.**

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## REASONS FOR THE DECISION

### Background

1. On 23<sup>rd</sup> January 2025 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £105.57 per week (including £17.22 Service Charge) in place of the existing rent of £98.02 (including £11.99 Service Charge) to take effect from 7<sup>th</sup> April 2025.
2. On 3<sup>rd</sup> April 2025, 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 a market rent.

### Inspection

3. The Tribunal did not inspect the property but considered this case on the basis of a remote video hearing, the papers provided by the parties and having regard to its own knowledge, expertise and online research.

### Evidence

4. A remote video hearing was held. The Tenant did not attend the hearing The Landlord did attend the hearing. The Tribunal has considered the oral submissions made at the hearing by the Landlord and the written submissions provided by the Tenant and the Landlord.
5. From the information provided it appears that the property comprises of a self-contained ground floor flat with one living room, kitchen, one bedroom and bathroom. The property is assumed to be double glazed and have gas fired central heating. The carpets, curtains and white goods are provided by the tenant.
6. There are understood to be shared gardens.
7. Based on the information provided the Tribunal understands that the Service Charge is calculated as follows:

Communal Electricity and Lighting	£5.32
Communal Fire Safety Maintenance	£9.65
<u>Administration Charge</u>	<u>£2.25</u>
Total	£17.22

8. At the hearing and in the written submissions the parties made the following submissions:
9. The tenant submits that he has been charged for services such as tree maintenance and grass cutting which have never been provided. It appears to the Tribunal that the Tenant is not objecting to the level of rent, but only to the level of service charge. The Tribunal also noted that tree maintenance and grass cutting were not included in the schedule of services for which the Tenant was being charged.

10. At the hearing the Landlord submitted that it had checked that the level of rental increases since 2017 were in line with the Government Formula and was satisfied that the increases had been properly applied.
11. However, the Landlord conceded that the Tenant had long standing and ongoing issues with the service charge. In light of this the Landlord had reviewed the way services were charged to the Applicant and decided to change the basis of service charges so that the Applicant and his neighbour would be charged separately from the remainder of the properties on the development. This, the Landlord felt was fairer to the Applicant.
12. The Landlord submitted that as a result of this review, a Property Manager had visited the Applicant and explained the proposed changes to him. This would include the cancellation of all service charge arrears and a revised rental including a reduced service charge amount.
13. The proposed new rental was £103.32 per week made up of £88.35 in occupational rent and £14.97 services. Tribunal was informed by the Landlord that this was acceptable to the Tenant.
14. The Tribunal therefore considered the written submissions made by both parties and the oral submissions of the Landlord.

### **Determination and Valuation**

15. Having considered the comparable evidence proved by the parties and of our own expert, knowledge of rental values in the area, we consider that the open market rent for the property in good tenable condition would be the sum of £103.32 per week inclusive of £14.97 per week services. This is based on the Government Formula for rental levels and the revised service charges explained by the Landlord at the hearing.

### **Decision**

16. The Tribunal therefore determined that the rent at which the subject property might reasonably be expected to be let in the market, subject to the social housing parameters by a willing Landlord under an assured tenancy was £103.32 per week including £14.97 per week service charge. As the Landlord had confirmed that all outstanding service charge arrears were being written off, the Tribunal determined that in fairness to both parties the new rental level should be determined from 7<sup>th</sup> April 2025 being the date on the Landlords Notice.

**Chairman: G S Freckelton FRICS**

**Date: 9<sup>th</sup> March 2026**

## 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

160a St Saviours Road  
Leicester  
LE5 3SG

The Tribunal members were

Mr G S Freckelton FRICS  
Mrs K Bentley  
Mr A Churchill BSc MRICS

Landlord

EMH Housing and Regeneration Limited

Address

Memorial House  
Whitwick Business Park  
Stenson Road, Coalville  
Leicestershire, LE67 4JP

Tenant

Mr C E S Cropper

1. The rent is:

£103.32

Per

Week

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

2. The date the decision takes effect is:

7<sup>th</sup> April 2025

3. The amount included for services is/~~is not~~ applicable

£14.97

Per

Week

4. Date assured tenancy commenced

27<sup>th</sup> April 1998

5. Length of the term or rental period

Weekly

6. Allocation of liability for repairs

Landlord and Tenant Act 1985

7. Furniture provided by landlord or superior landlord

None

8. Description of premises

A self-contained ground floor flat comprising living room, kitchen, one bedroom and bathroom. Double glazing. Central heating. Shared gardens.

Chairman

G S Freckelton  
FRICS

Date of Decision

9<sup>th</sup> March 2026