

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	BIR/00CN/MNR/2025/0800
Property	294 Centenary Plaza, 18 Holliday St., Birmingham, B1 1TS
Tenant	Andre Jamal Graham
Tenant's Representative	None
Landlord	Li Hau Mao
Landlord's Address	
Landlord's Representative	Inciti Lettings of 156 Great Charles St., Birmingham, B3 3HN
Date of Application	8 September 2025
Type of Application	Determination of Rent of Assured Shorthold Tenancy under section 22(1) of the Housing Act 1988
Tribunal Members	I D Humphries B.Sc.(Est.Man.) FRICS N Atherton MRICS
Date of Decision	4 March 2026
Rent Determined	£950.00 per calendar month
Date the new rent takes effect	8 September 2025

REASONS FOR THE DECISION

Background

1. On 1 August 2025 the Tenant was granted an Assured Shorthold Tenancy of the subject property for a period of one year at a rent of £950.00 per calendar month (pcm).
2. On 8 September 2025, the Tenant applied to the First-tier Tribunal (Property Chamber) for the rent to be determined under section 22(1) of the Housing Act 1988 requesting re-assessment of the rent at either £0 pcm or a figure between £600-£700 pcm.

Allocation of Repairs between Landlord and Tenant

3. As per Section 11 of the Landlord and Tenant Act 1985.

Service Charges of furniture provided by Landlord (other than carpets and curtain and white goods specified below) and the costs relating to the same.

4. The flat was let furnished but is not subject to a separate service charge payable by the Tenant.

Liability for Council Tax

5. The Tenant is responsible for the payment of Council Tax in respect of the property. The rent determined is exclusive of Council Tax.

Any other terms of the tenancy taken into consideration in determining the rent.

6. There are no significant terms within the tenancy agreement affecting the rent.

Inspection/ Hearing

7. Neither party requested an oral hearing. The Tribunal has considered the case based on the papers provided by the parties and its own general knowledge and expertise.

The Property

8. The Tribunal did not inspect the property. It relied on information provided by the parties in reaching its decision.

9. The property is a flat in a modern block in Birmingham city centre. It is on the fourth floor and comprises a living room, bedroom and bathroom.

Evidence

10. Both the Tenant and the Landlord returned the Tribunal's Reply forms.

The Tenant

11. The Tenant made the following comments:
 - a) the Tenant's submission advises that he was unaware the flat was in a building that required fire safety works to the cladding and other building features when taking the tenancy. He says he would not have taken the tenancy had he known this.
 - b) the Tenant says the required work would reduce the rental value to either nil, since he would consider it unlettable, or a figure somewhere between £600 and £700 pcm to reflect the inconvenience caused by the works.
12. The Tenant does not consider there are any reliable comparables on which the rent could be assessed. He provides evidence of sale prices and computes his opinion of rental value by applying assumed rates of return to the sale prices achieved for other flats.

The Landlord

13. The Landlord provides evidence of rental values of similar flats in the development and analyses the rents of 27 units as follows:
 - a) the price range is between £895 and £1,125 pcm;
 - b) the mean average of all 27 units is £956.67;
 - c) the median average is £950.00 pcm;
 - d) the mode average is £950.00 pcm.

The Landlord's agent does not accept that analysis of sale prices accurately represents monthly market rents.

The Landlord accepts that long term remedial work will be intrusive and offers a rent reduction for the duration of works and an opportunity for the Tenant to break the tenancy at that point without penalty.

Determination and Valuation

14. The Tribunal has carefully considered the evidence provided by the parties.

15. The Tribunal is not averse to analysis of sale prices by applying a suitable rate of return in exceptional circumstances, which is a method of valuation that has been applied for at least 45 years. However, it is a method rarely used as it carries less evidential weight than direct rental comparison, especially where the comparable rents cited are for similar types of property in the immediate area to that under consideration.
16. The Tribunal notes the Landlord's comments in a written submission to the Tribunal accepting that remedial work to the building will potentially cause loss of amenity to the Tenant, and that the Landlord has offered to either reduce the rent for the period of the works or allow the Tenant to break the tenancy without penalty in compensation.
17. In making this determination, the Tribunal accepts the Landlord's evidence that there are a large number of similar flats in the locality let on similar terms.
18. Bearing these points in mind and the general level of rents for this type of flat in modern developments in Birmingham city centre, the Tribunal finds that the rent paid of £950.00 pcm which was freely agreed by the Tenant on 1 August 2025 is not excessive, and in line with market rents.

Effective Date of Assessment

19. By Section 22(4)(a) of the Housing Act 1988, the Tribunal has authority to determine the effective date a new rent takes effect which is to be no earlier than the date of the tenant's application. As the Tribunal does not find the rent excessive, this section is inapplicable in this instance.

Decision

20. The Tribunal determines the rent at £950.00 per calendar month with effect from the date of the Tenant's application, 8 September 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 this appeal.