

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	BIR/OOCN/MNR/2026/0112
Property	Flat 8 146 Middleton Hall Road Birmingham B30 1DN
Tenant	Aline Sales Oliveira
Tenant's Representative	
Landlord	Daniel Kennedy
Landlord's Address	369 City Road Birmingham B16 0NB
Landlord's Representative	K M Lets
Date of Application	23rd April 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Mr G S Freckelton FRICS (Chairman) Mrs K Bentley
Date of Decision	30th June 2026
Rent Determined	£575.00 per calendar month
Date the new rent takes effect	16th May 2026

REASONS FOR THE DECISION

Background

1. On an indetermined date the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £750.00 per month in place of the existing rent of £475.00 to take effect from 16th May 2026. The validity of the Notice is not disputed by the tenant.
2. On 23rd April 2026, 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.
3. The assured tenancy commenced on 29th October 2015 for a term of six months. The rental period is monthly.

Allocation of Repairs between Landlord and Tenant.

4. As per section 11 of the Landlord and Tenant Act 1985.

Services Charges or furniture provided by Landlord (other than carpets and curtains and white goods specified below) and the costs relating to the same.

5. Bed and sofa (which the tenant submits have not been replaced in over ten years).

Liability for Council Tax

6. 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.

7. None.

Inspection/Hearing

8. Neither party requested an inspection or oral hearing. The Tribunal has considered this case on the basis of the papers provided by the parties and its own knowledge and specialist expertise.

The Property is a second-floor flat forming part of a converted house offering the following accommodation:

Vestibule, living room, kitchen, one bedroom and bathroom. Airing cupboard. Shared basement with washer/dryer.

Photographs indicate that the property does not have central heating but individual heaters to separate rooms.

Outside: Shared drive and rear garden.

9. The Tribunal has considered the written submissions provided by the Tenant and the Landlord.

Evidence

10. The tenant submits:
- a) The comparable properties on various websites are for new or re-furbished properties, usually with gas central heating and are more energy efficient.
 - b) The gates to the garden cannot be locked and are not secure.
 - c) There are no bells and the entrance to the flat has not been repaired. (There is no further explanation by the tenant of the repairs required to the flat entrance).
 - d) The property includes limited furniture comprising of a bed and a sofa which have not been replaced in over 10 years.
 - e) Communal areas were not maintained.
 - f) That the market rent should be £500.00 per month.
 - g) Photographs were submitted showing the interior of the flat, communal hallway, access to the cellar, the exterior of the building and the garden.
11. The landlord submits:
- a) That the proposed increase is reasonable and proportionate compared with similar rooms and properties in the area.
 - b) The estimated rental value of the flat was £724.00 per month. Based on comparables he would propose a reduced rental of £700.00 per month.
 - c) A copy report was attached showing the average asking rent for comparable one-bedroom units was £850.00 per month.
 - d) The current rent was below current market levels.

Determination and Valuation

12. Relying on its own expert, general knowledge of rental values in the area, and the comparables provided by the Landlord, the Tribunal considers that the market rental of the subject Property modernised and in good order would be in the order of £750.00 per month. This is the rent we would expect the property to let for in the open market with central heating, carpets, curtains and white goods provided by the landlord.

13. From this level of rent we have made adjustments in relation to:
- a) Condition – the photographs provided by the tenant confirm that repairs/refurbishment is required.
 - b) Lack of exclusive white goods.
 - c) Lack of an adequate heating system.

14. The full valuation is shown below:

Market Rent	£750.00
<u>Less</u>	
a) Items given under a) above	£75.00
b) Items given under b) above	£20.00
c) <u>Items given under c) above</u>	<u>80.00</u>
Total	<u>£175.00</u>
	£575.00

Decision

15. 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 £575.00 per month with effect from 16th May 2026.

Undue Hardship

16. The new rent takes effect from the date specified in the Landlord's Notice of Increase unless that would cause undue hardship to the tenant. In cases of undue hardship, the Tribunal has a discretion to fix a later starting date up to the date a Tribunal makes its determination.
17. The tenant has not asked the Tribunal to fix a later starting date in this case.

Chairman: G S Freckelton FRICS

Date: 30th June 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.