



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

Case Reference : **BIR/00CN/MNR/2026/0133**

Property : **22 Green Court, 4 Gravelly Hill
North Birmingham B23 6BQ**

Applicant : **Frank James Cragg**

Representative :

Respondent : **Seven Investments Limited**

Representative : **John Shepherd Lettings**

Type of Application : **Determination of an Open-Market Rent
ss13 & 14 of the Housing Act 1988**

Date of Application : **11 May 2026**

Date of Determination : **11 August 2026**

Rent Determined : **£825.00pcm**

Effective Date : **12 August 2026**

Tribunal Members : **Judge P.J.Ellis. Tribunal Member
Ms Julie Rossiter MRICS**

**Date and Venue of
Determination** : **Paper**

DECISION

REASONS FOR THE DECISION

Background

1. On 24 March 2026, the Landlord served a notice under Section 13 (2) (as amended) of the Housing Act 1988 which proposed a new rent of £950.00 per calendar month(pcm) in place of the existing rent of £825.00 pcm to take effect from 12 May 2026.
2. On 11 May 2026, under Section 14 (A3) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of an open-market rent.
3. The tenancy commenced on 12 May 2021. The rental period is monthly.

Validity Of Notice

4. In their application form, the Tenant has indicated that they consider the Landlord's notice is invalid because Notice of Proposed Increase is inaccurate by stating the subject rent increase is the first increase when there have been two earlier increases, the first in April 2023 the second in August 2024 when the property was managed by the same agent, John Sheperd.
5. The Tribunal considered the complaint and determined the error did not invalidate the Notice as it was not a substantive error.

Allocation of Repairs between Landlord and Tenant.

6. As per section 11 of the Landlord and Tenant Act 1985.
7. **Services Charges** none

Liability for Council Tax

8. The Tenant is responsible for the payment of Council Tax in respect of the Property.

Hearing

9. The parties did not request an oral hearing. The determination was made on the basis of written submissions and its own expertise.

Property and Inspection if any

10. The Tribunal did not inspect the subject property. According to the Applicant it is first floor apartment. The front door opens to entry way/kitchen with pantry (containing storage heater, fuse box) living room leading to small hallway two bedrooms, toilet, walk in shower with sink. The tenancy includes a single car garage.
11. There are wooden floors throughout. Windows are double glazed but windows require repair to cure defects in opening. Electric storage heating is provided in main bedroom and living room.
12. No furniture is included in the tenancy. Gardening is provided by the property manager but otherwise there is no service charge additional to the rent.

**Evidence
Tenant**

13. The Tenants complained that four of seven windows were ill fitting and two others were still to operate. The consequence of the defects was that the apartment suffered with drafts, heat loss and noise. They complained the landlord had not attended to their reports of defective windows.
14. Further the property is in a deprived area with frequent incidents of anti-social behaviour including abuse of residents and vandalism resulting in police call out. A local authority produced Gravelly Hill Fact Sheet was adduced giving multiple statistics about the area. In summary the area is described as “one of the more deprived wards in the city” of Birmingham.

15. The Tenants also produced an album of photographs of the property marked with text describing defects and other matters the subject of complaints. The album was supported by a detailed commentary rejecting the landlord's proposed increase in the rent.
16. Their evidence of comparables referred to other apartments in Green Court gathered from Bricks and Logic website which provides *"price of this flat specifically at £125,000 and the proposed rent at £780, it also lists the general price for Green Court in general being £738 pcm, both pages show as last updated "July 2026." It also says that Green Court ranks as 580 most expensive of 1,071 in the area so about average for the local market 800"*.
17. Also the Tenants refer to the earlier rent increases which were 7.9% and 10% respectively which is lower than the 15% increase now proposed. Their conclusion is that the rent should not be increased.

Landlord

18. The landlord's agent produced the Rightmove Best Price Guide and several two bedroom apartments mainly with Erdington address but all with offered rents of £950pcm as justification for the proposed increase to £950.00.
19. The Best Price Guide is not the best evidence of market rents. The agent John Shepherd did not produce evidence of completed lettings.
20. In reply to the Tenant's complaints about the windows the Landlord claimed workmen sent to the property to deal with the problem encountered access difficulties with the Tenants.

Determination and Valuation

21. The use of Rightmove Best Price Guide as the source of comparables results in evidence of offer prices rather than completed transactions . The Tribunal was shown limited evidence of actual rents realised. It

appears that describing a property as being in Erdington is more attractive than describing the location as Gravelly Hill.

22. From the evidence seen by the Tribunal, the open market rent for this property in good condition with the windows modernised is £900.00pcm. However, with property as it is the fair value of the rent is £825.00pcm

Appeal

23. 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.