

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	BIR/OOCW/MNR/2026/0017
Property	1 Brantley Avenue Finchfield Wolverhampton WV3 9AP
Tenant	Mrs Karen Whittingham
Tenant's Representative	
Landlord	Ms Tina Malcolm
Landlord's Address	c/o Limes Court 1A Upper Green Tettenhall Wolverhampton WV6 8QQ
Landlord's Representative	Bartlams Lettings Ltd
Date of Application	19 January 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 J Rossiter MRICS
Date of Decision	17 August 2026
Rent Determined	£735.00 per calendar month
Date the new rent takes effect	20 July 2026

REASONS FOR THE DECISION

Background

1. On 19 November 2025 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £775.00 per month in place of the existing rent of £705.00 to take effect from 20 January 2026.
2. On 19 January 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 20 January 2023 for a term of twelve 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. None.

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 an 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

9. The Property is a ground floor flat offering the following accommodation:

Hall, living room, kitchen, two bedrooms and bathroom.

Outside: Communal garden.

The Property has double glazing. There is no central heating. Carpets and window blinds are provided by the landlord. The cooker is provided by the landlord.

Evidence

10. The Tribunal has considered the written submissions provided by the tenant and the landlord.
11. The tenant submits:
- a) The property is in need of modernisation and decoration.
 - b) She has replaced the light in the hallway.
 - c) Photographs were submitted showing cracking, dated fittings and poor decoration.
 - d) That she knew of three other tenants in surrounding blocks paying between £500.00-£665.00 per month.
12. The tenant submits details of various flats advertised to let at rentals from £560.00-£664.00 month.
13. The landlord submits:
- a) That during the periodic inspections the property was noted as being in satisfactory condition. Copies of the inspections, including photographs were attached.
 - b) That the proposed rent is below market rental for the property.
 - c) That the rents quoted by the tenant for nearby blocks were not current and tenants may not have had rent increases.
14. The landlord submits details of various comparable flats offered at rentals from £800.00-£925.00 per month.

Determination and Valuation

15. The Tribunal noted that the property was somewhat dated and that the photographs provided by the landlord indicated that general modernisation and improvement was required.

16. Relying on its own expert, general knowledge of rental values in the area, and the comparables provided by the parties, the Tribunal considers that the market rental of the subject Property modernised and in good order would be in the order of £925.00 pcm. This is the rent we would expect the property to let for in the open market if it was in the same general condition as the comparable properties.

17. From this figure the Tribunal has made the following deductions:

a) Fridge and washer provided by the tenant	25.00
b) Lack of central heating	60.00
c) Kitchen refurbishment	45.00
d) Bathroom upgrade	30.00
e) <u>General condition in relation to comparables</u>	<u>30.00</u>
Total	£190.00

18. The full valuation is:

Full Market Rent	£925.00
<u>Less items in paragraph 17 above</u>	<u>£190.00</u>
Market Rent	£735.00 per month

Decision

19. 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 £735.00 per month with effect from 20 January 2026.

Undue Hardship

20. 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.

21. The Tenant has asked the Tribunal to fix a later starting date in this case. She says she has been left with debts since her divorce which she is still paying off. As such the increase proposed by the landlord would have to be taken from her food bill.

22. The Landlord did not respond to the Tenant's application for postponement due to hardship.

23. As a result of our decision the rent will increase by £30.00 per month. The date specified in the landlord's notice was 20 January 2026. On the basis of the evidence supplied by the Tenant, the Tribunal considers that for the increase to take effect from the date in the Landlord's Notice would cause undue hardship and accordingly sets the starting date for the new rent as 20 July 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.