

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	BIR/00CS/MNR/2026/0025
Property	22 Church St., Tipton, West Midlands, DY4 7SR
Tenant	Archibald Alexander Samuels
Tenant's Representative	None
Landlord	Rebecca Hayman
Landlord's Address	1 Spring St., Halesowen, B63 2SY
Landlord's Representative	Mr Lall of Amina Haque Solicitors
Date of Application	28 January 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	I.D. Humphries B.Sc.(Est.Man.) FRICS J. Rossiter MBA MRICS
Date of Decision	18 August 2026
Rent Determined	£750 per calendar month
Date the new rent takes effect	7 February 2026

REASONS FOR THE DECISION

Background

1. On 18 December 2025, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £800.00 per calendar month (pcm) in place of the existing rent of £385.00 pcm to take effect from 7 February 2026.
2. On 28 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 7 December 2016 for a term of 24 months.

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 curtain 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. There are no unusual terms in the Tenancy Agreement, a copy of which has been provided.

Inspection/Hearing

8. The parties requested a Hearing which was held at the Tribunal's office in Birmingham on 18 August 2026. The Tribunal has not carried out an inspection but arrives at its decision based on the evidence presented by the parties in prior Submissions and on oral evidence at the hearing, together with the Members' own general knowledge and expertise in the market (but no special or secret knowledge).

9. **The Property**

10. The Property is a ground floor maisonette in a two storey property in Church Street, Tipton, a residential area about a quarter of a mile east of the Birmingham New Road / Burnt Tree Road junction in the West Midlands.

The accommodation comprises a living room, kitchen, two bedrooms and bathroom with a communal garden. The landlord provides a cooker but the flat is otherwise unfurnished.

Evidence

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

The Tenant

12. The Tenant made the following comments:

- a) The flat is affected by damp evidenced by photographs provided in the hearing bundle showing black mould in several areas of walls and ceilings that was also affecting the tenant's clothing. Mr Samuels had commissioned a Report from an Independent Chartered Surveyor to assess the cause that concluded it was due to two main factors; a lack of mechanical ventilation in the kitchen and bathroom and lack of ventilation due to the tenant's occupation, such as condensation caused by cooking and drying clothes inside. Mr Samuels had referred the problem to Sandwell Borough Council.
- b) Mr Samuels said the external walls were affected by rising damp.
- c) Mr Samuels also said the increase was substantial and excessive.
- d) At the hearing, Mr Samuels acknowledged that in good condition, the market rent would be around the landlord's proposed figure but it was not in that condition and damp affected the market rental value.

The Landlord

12. For the Landlord, Mr Lall made the following comments:

- a) he suggested the main conclusion from the Surveyor's Report was that the damp (which was acknowledged), was due to the way the tenant occupied the flat, i.e. a lifestyle issue. His client planned to add mechanical ventilation but to date none had been fitted.
- b) comparable evidence had been provided in the landlord's submission of:
 - 1) a 2 bedroom maisonette in Oldbury advertised at £850 pcm;

- 2) a 2 bedroom flat in Horseley Rd., Tipton, advertised at £820 pcm
- 3) a house share advertised at £895 pcm;
- 4) a 2 bed flat advertised at £850 pcm;
- 5) another 2 bed flat advertised at £850 pcm.

Determination and Valuation

13. The Tribunal considered all the points made by the parties and it is clearly acknowledged that there is a problem of damp in the flat as seen from the photographs, but the cause is not completely due to one factor. There may be lifestyle issues if as suggested, the tenant is not opening windows to allow proper ventilation while cooking or drying clothes, but equally, there is inadequate mechanical ventilation as it was recommended by the independent Surveyor and the landlord said the work had been planned. Nevertheless, the Tribunal has to assess the rent today and at this point, the fans have not been fitted. We find this affects the market rental value.
14. Relying on the evidence provided by the parties and its own expert general knowledge of rental values in the area, the Tribunal considers the market rental of the subject property modernised and in good order would be in the order of £800 pcm. This is the rent we would expect the property to let for in the open market if it were in the condition generally expected by prospective tenants in the market. However, in present condition the Tribunal finds the market rent under section 14 of the Housing Act 1988 to be £750 pcm.
15. The valuation is shown below:

Starting Rent	£800.00 pcm
<u>Less</u>	
For damp in the flat	<u>£ 50.00 pcm</u>
Market rent	£750.00 pcm

Undue hardship

16. Mr Samuels said his employment status had changed since making the application but provided no written evidence that the increased rent would cause undue hardship. Accordingly, the Tribunal determines that the rent takes effect from 7 February 2026.

Decision

17. The Tribunal determines the market rent to be £750.00 per calendar month with effect from 7 February 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.