

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	BIR/00CN/MDR/2026/0003
Property	Flat 1, 170 Stratford Rd., Sparkbrook, Birmingham, B11 1AG
Tenant	Mrs Anissa Benkhalifa Hajaji
Tenant's Representative	None
Landlord	Mr Saraj Ali
Landlord's Address	12 Fulham Rd., Sparkhill, Birmingham, B11 4QA
Landlord's Representative	Highnoon Properties
Date of Application	7 February 2025
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 D. Douglas
Date of Decision	13 August 2026
Rent Determined	£120 per calendar week
Date the new rent takes effect	13 August 2026

REASONS FOR THE DECISION

Background

1. On 23 January 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £650.00 per calendar month(pcm) in place of the existing rent of £100.00 per week (pw) to take effect from 1 March 2026. The Tenancy Agreement specifies a weekly rent and this Decision is on the same basis.
2. On 7 February 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 15 August 2015 for a term of six months. The rental period is weekly.

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. Neither party requested 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 has not been inspected by the Tribunal. However, from the submitted papers it is understood to be a second floor self-contained flat within a Victorian building with a bedroom, kitchen and bathroom. The tenant advises that the accommodation is open plan but the landlord says they are separate areas and there is a separate reception area.

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 said she had fitted laminate flooring and kitchen shelving.
 - b) The Tenant claimed there were damp issues due to ingress through external walls and that the smoke alarm was incorrectly fitted, but these claims were rejected by the landlord.
 - c) There was no central heating. The Tenant advised that the bathroom window was single glazed but did not comment on the other windows.
 - d) The Tenant considered a market rental value to be £400 per month (£92.30 per week).
 - e) The Tenant said the Notice of rent increase was defective as it gave less than two months' notice of the date it was due to take effect.
 - f) The proposed increase was high and unaffordable.

The Landlord

12. The Landlord did not provide any comparable evidence but said market rents in the area were generally in the £650-£700 per month range.
13. They also said the Notice was valid as it was served more than one month prior to the effective date.

Determination and Valuation

14. Relying on its own expert general knowledge of rental values in the area, the Tribunal considers that the market rental of the subject Property modernised and in good order would be in the order of £650 pcm (£150.00 per week). This is the rent we would expect the property to let for in the open market if it was in the condition generally expected by prospective tenants in the market, assuming it had full central heating.

15. From this, the Tribunal has made adjustments in relation to the following:
- a) the lack of central heating and
 - b) the lack of kitchen cabinets which was undisputed by the landlord.

The full valuation is shown below:

Starting Rent		<u>£150.00</u> pw
<u>Less</u>		
a) Items given under a) above	£15.00	
b) Items given under b) above	£15.00	<u>£ 30.00</u> pw

Market rent **£120.00 pw**

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 said the proposed increase would be unaffordable, but the figure set by the Tribunal is substantially less and an increase can be expected since the tenancy was originally granted. The rent suggested by the tenant of £400 pcm is in fact less than the original rent in 2015 at £92.30 pw and in the Tribunal's view, unrealistic in the present market.
18. As a result of our decision the rent will increase by £20 per week. The date specified in the landlord's notice was 1 March 2026 and the Tribunal determines the new rent payable from that date.

Decision

19. Therefore, the Tribunal determines the market rent at £120.00 per week with effect from 1 March 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.