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|  | FIRST - TIER TRIBUNAL<br>PROPERTY CHAMBER<br>(RESIDENTIAL PROPERTY)            |
| Case Reference                                                                    | BIR/00CS/MRA/2026/0017                                                         |
| Property                                                                          | Flat 2, 44 Lower High St., Wednesbury,<br>WS10 7AQ                             |
| Tenants                                                                           | Parminder Kaur                                                                 |
| Tenant's Representative                                                           | None                                                                           |
| Landlord                                                                          | Charles James Haliburton                                                       |
| Landlord's Address                                                                | 11 Pinfold St., Darlaston, WS10 8SY                                            |
| Landlord's Representative                                                         | None                                                                           |
| Date of Application                                                               | 30 June 2026                                                                   |
| Type of Application                                                               | Determination of Market Rent under<br>sections 13 & 14 of the Housing Act 1988 |
| Tribunal Members                                                                  | I.D. Humphries B.Sc.(Est.Man.) FRICS<br>R.J. Price BSc MSc MBA                 |
| Date of Decision                                                                  | 30 September 2026                                                              |
| Rent Determined                                                                   | £600.00 per calendar month                                                     |
| Date the new rent takes effect                                                    | 1 September 2026                                                               |

## REASONS FOR THE DECISION

### Background

1. On 30 June 2026 the landlord served notice under Section 13(2) of the Housing Act 1988 ('the Act') proposing a new rent of £700.00 per calendar month (pcm) in place of the existing rent of £500.00 pcm to take effect on 1 September 2026.
2. On 30 June 2026 (the same day as receiving the Notice), the tenant referred the landlord's notice proposing a new rent to the Tribunal for determination of a market rent under section 13(4)(a) of the Housing Act 1988.
3. The tenant holds an Assured Monthly Periodic tenancy. The Tenancy Agreement provided to the Tribunal commenced on 1 July 2024 for a term of 12 months but it is not clear from the submissions whether it was renewed by written contract on 1 July 2025 or whether, as assumed, the tenant is holding over as a statutory periodic tenant. However, it makes no difference to the current determination.

### Allocation of Repairs between Landlord and Tenant.

4. In accordance with 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 paying Council Tax. 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 as far as we are aware.

### Inspection/Hearing

8. Neither party requested an oral hearing. The Tribunal has considered the case based on the parties' submissions and its own general knowledge and expertise.

### The Property

9. The property is a first floor bedsit comprising a living room / bedroom, kitchen and bathroom over a shop in Wednesbury High St. Local facilities are within easy reach.

### Evidence

#### *The Tenant*

10. The tenant objected to the landlord's Notice rent on four grounds:
- 10.1 that the shower was not working properly;
  - 10.2 that access to the flat was shared with other tenants;
  - 10.3 that the requested rent was above the current market value.  
In evidence, the tenant objected to the landlord's description of the accommodation as a '1 bed flat' as she considered it a studio, and provided four properties as local evidence of value:
    - i a 1 bed flat in Phoenix Rise Wednesbury advertised at £600 pcm
    - ii a 1 bed flat in Hobs Road Wednesbury advertised at £550 pcm
    - iii a 1 bed flat in Spring Head Wednesbury advertised at £495 pcm
    - iv a studio in Pinfold Street, Wednesbury, advertised at £570 pcm.
  - 10.4 there was a limit of £495 Housing Benefit payable by the Local Authority and the proposed rent was above the allowable limit.

#### *The Landlord*

11. The landlord considered the tenant was mainly relying on her award under Universal Credit and personal financial circumstances when applying to the Tribunal, rather than market evidence. By contrast, the Landlord submitted seven properties as evidence of value:
- i a 1 bed flat in Woden Road East advertised at £695 pcm
  - ii two 1 bed flats in Brunswick Park Road advertised at £695 pcm and
  - iii a 1 bed flat in Fusion Way Wednesbury advertised at £865 pcm
  - iv a 1 bed flat in Darlaston Road advertised at £700 pcm and
  - v two studio flats with all bills included.

### Determination and Valuation

12. The Tribunal is not convinced by the landlord's description of the demise as a one bedroom flat and finds it more fairly described as a bedsitting room.

13. We have considered the comparable evidence provided by both parties and note that most of the landlord's evidence relates to units with separate bedrooms and living rooms, whereas the subject unit has a combined living room and bedroom which is less valuable. The two studios with all bills included are not comparable.
14. Having considered the points made by the parties, we find the current market rental value to be £600 pcm.

#### Undue hardship

15. The tenant advises that she is in receipt of Universal Credit but has not made a case to warrant altering the effective date of increase from that proposed in the Notice, 1 September 2026, to a later date before today's date, 30 September 2026, by claiming 'undue hardship' under s.14(7) of the Housing Act 1988. We therefore find the effective date of increase to be the date in the landlord's Notice, 1 September 2026.

#### Decision

16. The Tribunal determines the market rent under section 14 of the Housing Act 1988 to be £600.00 per calendar month with effect from 1 September 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.