



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

Case Reference : BIR/00CN/MNR/2018/0044

Property : 25 Stamford Road, Handsworth, Birmingham, B20 3PJ

Applicant : Mr Asad Ullah

Respondent : Mr Monu Miah

Type of Application : Appeal against a notice proposing a new rent under an Assured Periodic Tenancy under section 13(4) of the Housing Act 1988

Tribunal Members : Mr I.D. Humphries B.Sc.(Est.Man.) FRICS
Mr J. Arain

Date and Venue of Hearing : Not Applicable, paper determination

Date of Decision : 13 November 2018

DECISION

- 1 The rent is determined at £600.00 (Six Hundred Pounds) per calendar month from 8 July 2018.

REASONS

Introduction

- 2 The tenant, Mr Ullah, holds an assured monthly tenancy of property at 25 Stamford Road, Handsworth, Birmingham, B20 3PJ. The original tenancy had been granted for six months from 8 May 2017 at a rent of £600.00 per calendar month.
- 3 On 1 June 2018 the landlord served notice under section 13(2) of The Housing Act 1988 to increase the rent from £600.00 to £750.00 per calendar month to take effect on 8 July 2018. Neither the previous nor proposed rents included any amounts for Council Tax, water rates or fixed service charges.
- 4 The tenant applied for the rent to be determined by the First-tier Tribunal Property Chamber on 27 June 2018.
- 5 The effective date for the new rent had initially caused some confusion but was determined as 8 July 2018 at a preliminary Tribunal Hearing on 6 August 2018.
- 6 The Tribunal inspected the property on 20 September 2018 and issued its Decision to maintain the rent at £600.00 p.c.m. with effect from 8 July 2018.
- 7 The tenant telephoned the Tribunal on 8 October 2018 to request reasons for the Decision which are the subject of this document.

The Law

- 8 Section 14 of The Housing Act 1988 states:

'(1) Where, under subsection (4)(a) of section 13 above, a tenant refers to a rent assessment committee a notice under subsection (2) of that section, the committee shall determine the rent at which, subject to subsections (2) and (4) below, the committee consider that the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under an assured tenancy -

- (a) which is a periodic tenancy having the same periods as those of the tenancy to which the notice relates;*
- (b) which begins at the beginning of the new period specified in the notice;*
- (c) the terms of which (other than relating to the amount of the rent) are the same as those of the tenancy to which the notice relates;...'*

'(2) In making a determination under this section, there shall be disregarded -

- (a) any effect on the rent attributable to the granting of a tenancy to a sitting tenant;*
- (b) any increase in the value of the dwelling-house attributable to a relevant improvement carried out by a person who at the time it was carried out was the tenant, if the improvement-*
 - (i) was carried out otherwise than in pursuance of an obligation to the immediate landlord ...*

- 9 The jurisdiction of the Rent Assessment Committee was transferred to the First-tier Tribunal (Property Chamber) with effect from 1st July 2013.

Facts Found

- 10 The Tribunal inspected the property on 20 September 2018 with the tenant. The landlord was not present or represented although he had been advised of the date.
- 11 The property comprises a two storey inner terrace Victorian house in an area of similar housing in Handsworth, Birmingham. The house is of brick and slate construction with a two storey rear wing.
- 12 The accommodation comprises a hall with access to cellar, two reception rooms, a kitchen, lobby, bathroom and w.c. on the ground floor with landing, three bedrooms and box room on the first floor. It has central heating and double glazing.
- 13 The house is in poor internal condition. The front wall of the living room is damp, there is loose plaster on the hall ceiling, a section of plaster is missing from the second bedroom, the kitchen is finished to basic standard in poor condition and the bathroom is also poor.

Submissions

- 14 Neither party requested a Hearing to determine the rent.
- 15 Furthermore, neither party sent any submissions or rental evidence to support their case.

Decision

- 16 In the absence of any submissions or evidence from the parties the Tribunal relied on its own general knowledge and experience to determine the rent. In arriving at its decision, the Tribunal paid particular attention to the poor quality of the internal repair and the fact that the rent had been agreed in the previous year at £600.00 per calendar month. There had been no apparent change in the circumstances or quality of accommodation over that period and the property's condition would be reflected in the rent achievable. Accordingly, the Tribunal considered all the acts available to it and determined the rent under section 14 of the Housing Act 1988 at £600.00 per calendar month with effect from 8 July 2018.

I.D. Humphries B.Sc.(Est.Man.) FRICS
Chairman

Appeal

If either party is dissatisfied with this decision an application may be made to this Tribunal for permission to appeal to the Upper Tribunal, Property Chamber (Residential Property) on a point of law only. Any such application must be received within 28 days after the decision and accompanying reasons have been sent to the parties (Rule 52 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).