

Notice of the Tribunal Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of Premises

9 Bowness Road, Sheffield, S6 2PQ

The Tribunal members were

Mr Phillip Arthur Barber
Mr Amin Hossain

Landlord

Richard Horsfield

Address

212 Stannington View Road, Sheffield, S10 1ST

Tenant

Ms Diana Roffey

1. The rent is:

£325

Per

Calendar Month

(excluding water rates and council tax but including any amounts in paras 3 & 4)

2. The date the decision takes effect is:

1 November 2022

3. The amount included for services is:

not applicable

4. Service charges are variable and are not included

5. Date assured tenancy commenced

1 April 2020

6. Rental period

Calendar Month

7. Allocation of liability for repairs

Landlord – Section 11 Landlord & Tenant Act 1988

8. Furniture provided by landlord or superior landlord

Fixtures and fittings; whites in kitchen/cellar head and settee and chair in living room.

9. Description of premises

Whilst the property is a three bedroom 3-storey terrace property, clause 35 of the tenant agreement provides that the Landlord is entitled upon 24 hours' notice to come and stay at the property "on an occasional basis". Although this has not occurred, we formed the view that this is not a term of an agreement which ordinarily a willing tenant entering into a tenancy agreement on the open market might readily agree. In fact, we thought that the arrangement was one that would be permissible as part of a less formal arrangement. The landlord has kept his belongings in the attic bedroom where it was envisaged, he might stay from time to time and the tenant has not had usage of this room. We appreciate that he has not actually taken advantage of this clause but nevertheless it is one which we have to take into account under section 14 of the Housing Act 1988. Accordingly, approached this property as a 2-bedroom terrace house. A market rent in good condition we assess at £650 but we discount that rent by 50% to take account of the unusual nature of clause 35.

Chairman

Mr PA Barber

Date of Decision

19 April 2023