



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

Case Reference : **MAN/00DA/MNR/2023/0310**

Property : **60 Stratford Street, Leeds LS11 6EG**

Applicants : **Ms Alouha Rosalie Ahoua**

Respondent : **Mr Pawan Tekchandani**

Type of Application : **Section 14 Housing Act 1988**

Tribunal Members : **Mr Phillip Barber; Mr A Hossain**

Date of Decision : **01 February 2024**

REASONS

1. Ms Ahoua entered into an assured shorthold tenancy agreement for the property at 60 Stratford Street for a fixed term beginning on the 01 July 2016 at that time the agreed rent was £500. At some point the rent increased to £550
2. On the 28 June 2023, the landlord served a notice under section 13(2) of the Housing Act 1988 proposing to increase the rent to £900 per calendar month from the 01 August 2023 and by way of a notice under

section 13(4), Ms Ahoua referred the notice to the Property Tribunal. The Tribunal had jurisdiction to deal with the matter.

3. The Tribunal inspected the property on the 01 February 2024 in the company of Ms Ahoua and her son. The Landlord did not attend, and neither was he present in his basement. No hearing was requested by either party.
4. The property is a four-bedroom mid terrace built circa 1900 of brick construction beneath a slate pitched roof. The property benefits from uPVC windows and doors. There is a small bounded front garden and a small yard to the rear with separate access to the basement. The tenant has exclusive occupation of most of the house but not the basement. We were informed that access to the basement is locked and retained and used by the landlord. We were informed the landlord's use of the basement has caused nuisance from loud music, storage of items unknown and various other activities carried out there by the landlord of which the tenant is not entirely sure.
5. There were no tenant improvements at the property but on inspection we found that the property required substantial works of repair and improvement. The kitchen was found to be outdated and required refurbishment on account of dated and worn-out countertops and appliances. At the time of the inspection there was no running water. The heating supply was controlled by a boiler in the basement, which the tenant did not have access to, and the power output did not appear to be sufficient to warm the radiators in the attic rooms to an acceptable standard. There was evidence of damp in the second-floor front bedroom and in two of the bedrooms, plaster repair works had commenced but the works had been left unfinished with poor decoration. The decoration in the remainder of the property was fair but required updating and refurbishment. The pointing to the front of the property was poor but the roof, windows and rainwater goods were generally sound.
6. The bathroom was found to be dated and required refurbishment. In general, the decoration was found to be also dated and required refurbishment. The tribunal was of the opinion that the property is in a poor lettable condition on account of the dated fixtures and fittings and poor decoration.
7. In accordance with section 14 of the Housing Act 1988 the Tribunal had to determine the rent 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; and

(d) in respect of which the same notices, if any, have been given under any of Grounds 1 to 5 of Schedule 2 to this Act, as have been given (or have effect as if given) in relation to 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 his immediate landlord, or

(ii) was carried out pursuant to an obligation to his immediate landlord being an obligation which did not relate to the specific improvement concerned but arose by reference to consent given to the carrying out of that improvement; and

(c) any reduction in the value of the dwelling-house attributable to a failure by the tenant to comply with any terms of the tenancy.

8. Based on all of the available evidence, and utilising the expertise of the Tribunal, we decided that 60 Stratford Street could not be let on the open market at more than £550. This reflects the dated fixtures and fittings and poor decorative state. This also reflects disrepair, in particular damp to the bedrooms. This also reflects the landlords exclusive use of the basement.

Signed... Phillip Barber
Tribunal Judge

Date: 29 February 2024