

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

Housing Act 1988 Section 14

Address of Premises

99 Cheetham Road, Swinton,
Manchester, M27 4UL

The Tribunal members were

Tribunal Judge Catherine Wood
Tribunal Member James Gallagher

Landlord

Man Wai To / Willkates Ltd

Address

2nd floor Parkgates, Bury New Road, Prestwich, Manchester,
M25 0TL

Tenant

Mr Hoi Ming Leung & Ms Caroline Yeung

1. The rent is: £

1150.00

Per

Calendar
Month

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

2. The date the decision takes effect is:

01 July 2023

3. The amount included for services is not
applicable

0.00

Per

4. Date assured tenancy commenced

01 June 2022

5. Length of the term or rental period

Monthly

6. Allocation of liability for repairs

As per Tenancy Agreement

7. Furniture provided by landlord or superior landlord

Carpets/Curtains; some white goods

8. Description of premises

3 bed T/H (2 Double, 1 Single); Large living room/dining room; hall; kitchen; rear garden

Chairman

Mrs Catherine
Wood

Date of Decision

12 January 2024



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/00BR/MNR/2023/0245
Property : 99, Cheetham Road, Swinton,
Manchester M27 4UL
Tenant : Hoi Ming Leung & Caroline
Yeung
Landlord : Man Wai T/A Wilkates Ltd
Type of Application : s13 Housing Act 1988
Tribunal Members : Tribunal Judge C Wood
Tribunal Member J Gallagher MRICS
Date of Decision : 12 January 2024

DECISION

Decision

1. By a decision dated 12 January 2024, the Tribunal determined, in accordance with section 14 of the Housing Act 1988, that the open market rent for the Property is £1150.00 per month, effective from 1 July 2023.

Background

2. By a notice dated 1 June 2023, ("the Notice"), the Landlord proposed a new rent of £1150.00 per week to take effect from 1 July 2023.
3. By an application dated 26 June 2023, the Tenant referred the Notice to the Tribunal.

Inspection

4. The Tribunal inspected the Property on 12 January 2024. One of the Tenants was present at the inspection.
5. The Property is a spacious garden-fronted mid-terraced house in a pleasant location with a 2-storey bay to the front elevation, it is mainly of red pressed brick construction with a slate roof, built in c1898. There is a single storey addition at the rear that forms the kitchen.
6. The accommodation comprises a hall, large through living room/dining room, and kitchen on the ground floor and 3 bedrooms (2 double/1 single) and small bathroom on the first floor. There is a yard to the rear of the Property.
7. The Property has Upvc double glazing and Upvc doors. There is gas central heating with radiators in all rooms; there is an electric fire in the living room.
8. The Property appears in generally in good condition. The following points were noted:
 - 8.1 there are a few signs of possible damp to the kitchen ceiling, around the chimney breast and external walls in 2 of the bedrooms;
 - 8.2 there is also minor damage to the floor covering in the living room;
 - 8.3 the Landlord has provided the carpets and curtains and the white goods in the kitchen other than the washing machine which belongs to the Tenants;
 - 8.4 the kitchen and bathroom fittings are in reasonable condition. The bath panel appears not to be fitted correctly.

The Law

9. The Tribunal must first determine that the Landlord's notice under section 13(2) satisfied the requirements of that section and was validly served.
10. The Housing Act 1988, section 14 requires the Tribunal to determine the rent at which it considered that the subject property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.

11. In so doing the Tribunal is required by section 14(1), to ignore the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2) of that Act.
12. Section 14(4) provides that for the purposes of section 14 "rent" includes amongst other things any sums payable to the landlord by the tenant in respect of council tax.
13. Section 14(4) provides that for the purposes of section 14 "rent" does not include a "service charge" within the meaning of section 18 Landlord and Tenant Act 1985 (i.e. where in accordance with the terms of the tenancy or other agreement a service charge payable by the tenant is variable from time to time according to changes in the relevant costs). However it does include a "fixed" service charge.

Evidence

14. Neither of the parties made any written representations to the Tribunal.

Tribunal's Deliberations

15. Relying on its own knowledge and experience, the Tribunal determines that the open market rent for a comparable property to the Property in good condition is £1200.00 per month.
16. From this, the Tribunal makes a deduction of £50.00 per month to reflect minor items of disrepair/wear and tear at the Property.
17. The Tribunal therefore determines that the open market rent for the Property in its present condition is £1150.00 per month.
18. This rent will take effect from 1 July 2023 being the date stipulated in the Notice.