

## Notice of the Rent Assessment Committee Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

### Address of Premises

The Coach House, 16a Priory Road,  
Sheffield, S7 1LW

### The Committee members were

Judge C. P. Tonge LLB, BA  
Mrs S. A. Kendall BSc, MRICS

### Landlord

Merlin Properties (Sheffield) Limited (C/O Countrywide Residential Lettings)

### Address

39/43 Bridge Street, Swinton, Mexborough, S64 8AP

### Tenant

Ms. Josie Carlin

1. The rent is: £900 Per month (excluding water rates and council tax but including any amounts in paras 3&4)

2. The date the decision takes effect is: 29 August 2024

3. The amount included for services is n/a Per Na/

4. Date assured tenancy commenced 29 July 2022

5. Length of the term or rental period 12 months

6. Allocation of liability for repairs Landlord

### 7. Furniture provided by landlord or superior landlord

The Tribunal is aware that this tenant has vacated the property. Please note that this decision is only binding upon the landlord and this tenant (Ms. Josie Carlin) up to the date that this tenancy expired or expires. It is not binding upon any subsequent tenancy granted by the landlord.

### 8. Description of premises

Open market rent £900 in very good condition therefore no deductions to be made from the rent. The property has an open plan design consisting of a large lounge with a fully fitted kitchen area – contains a Glow Worm combi central heating boiler. Cloakroom with a toilet. The mezzanine floor has a galleried area for a bed and has a bathroom with a bath, shower, sink, shower cubicle and toilet. Certain items of furniture form part of the tenancy.

### Chairman

Judge C. P. Tonge

### Date of Decision

30 September 2024



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

**Case Reference** : **MAN/00CG/MNR/2024/0204**

**Property** : **The Coach House, 16A Priory Road, Sheffield,  
S7 1LW.**

**Applicant tenant** : **Ms Josie Carlin**

**Respondent  
landlord  
Represented by** : **Merlin Properties (Sheffield) Limited  
Countrywide Residential Lettings**

**Application** : **Market Rent, section 13 and 14 of the Housing  
Act 1988**

**Tribunal Members** : **Judge C. P. Tonge, LLB, BA  
Mrs S. A. Kendall BSc, MRICS**

**Date of Decision** : **30 September 2024**

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**DECISION**

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## **Background**

1. Ms Josie Carlin "the tenant" of , The Coach House, 16A Priory Road, Sheffield, S7 1LW "the property", referred to the Tribunal a Notice of Increase of Rent, dated 21 June 2024, served on behalf of Merlin Properties (Sheffield) Limited "the landlord" via Countrywide Residential Lettings "the management agent", under section 13 of the Housing Act 1988 "the Act". The application to the Tribunal, by the tenant, is dated 1 July 2024.
2. The landlord's notice proposes a rent of £900 per calendar month, to take effect from 29 August 2024. It is in the prescribed form and is accompanied by a guidance note for tenants. The tenancy commenced on 29 July 2022.
3. The current rent is £850 per calendar month.
4. The tenant made representations on the application form and submitted that Rightmove suggests that two one bedroom apartments in the local area might be comparable to the property. These suggested comparables have proposed rents of £700 and £875 per calendar month.
5. The landlord submitted that the tenant had moved out of the property and as a result the tribunal case officer contacted the tenant to ask that the application be withdrawn. There was no reply to this request. The Tribunal notes that the management agent arranged for a member of staff to attend at the property at the pre-arranged inspection so that the Tribunal could inspect the interior of the property.
6. Documents served by, or on behalf of the parties, were copied to the opposing party.
7. Neither party requested a hearing.

## **The Law**

The Tribunal must first determine that the Landlord's Notice under section 13(2) of the Housing Act 1988 "the Act" satisfies the requirements of that section and is validly served.

Section 13 of the Act permits the Landlord, or his agent, under a periodic tenancy of the type specified in section 13(1) to serve a notice in the prescribed form on the tenant proposing a rent increase. A valid notice will have the effect of increasing the rent on the date specified in the notice

unless before that date the tenant refers the notice under section 13(4) to the relevant Tribunal for a determination of the rent.

To be valid, the notice must not only be in the prescribed form but must also comply with the requirements set out in section 13(2) and (3) of the Act as to notice periods and propose a new rent to take effect at the beginning of a new period of the tenancy.

The prescribed notice is that contained in the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 (SI 1997 / 194) as amended by the Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (England) Regulations 2003 (SI 2003 / 260).

Section 14 of the Act requires the Tribunal to determine the rent at which it considers that the subject property might reasonably be expected to be let on the open market by a willing Landlord under an assured tenancy.

In so doing the Tribunal is required by section 14(1) of the Act to ignore the effect on the rental value of the property of any relevant improvements made by the tenant, as defined in section 14(2).

Section 14(4) of the Act provides that for the purposes of section 14 rent includes among other things any sums payable to the Landlord by the tenant in respect of council tax, but it does not include a service charge within the meaning of section 18 of the Landlord and Tenant Act 1985 where the amount of service charge payable by the tenant is variable from time to time according to changes in relevant costs. However, it does include a fixed service charge.

Section 14(7) of the Act permits the Tribunal to delay the commencement of the date of any increase in the rent in a case where it appears to the Tribunal that undue financial hardship will be caused to the tenant.

## **The Inspection**

8. The Tribunal commenced its inspection of the property at 10.45 am on 30 September 2024. The tenant was not present. The landlord was represented by a member of staff as arranged by the management agent. The property is vacant, the tenant having moved out of the property.
9. The property is a detached coach house that has been converted into a maisonette. The coach house stands behind a Victorian detached house that has been converted into flats. The property has hard standing to its front, delineated from the rest of the grounds of the Victorian House by the use of different block paving and this provides room for off street parking for one motor car.

10. The property is a fully modernised maisonette with a spacious ground floor that has a kitchen area, having a fully fitted kitchen. There is a Glow Worm gas fired central heating boiler providing central heating to the whole of the property. There is a toilet off the lounge area on the ground floor.
11. The mezzanine floor provides a galleried sleeping area that can easily accommodate a six foot wide bed. There is a fully fitted bathroom with a shower cubicle and bath off the mezzanine floor. Stairs to the mezzanine floor have a handrail and additional step height lighting fitted into the wall. The property is part furnished with everything that would normally be expected to be in a property except a bed.

### **The Determination**

12. The notice of increase of rent is a valid notice.
13. The Tribunal considers the possible comparables as provided by the now absent tenant, these properties have proposed rents of £700 to £875 per calendar month. The Tribunal has not inspected any of them and has only a brief description to consider in relation to each. Clearly, they cannot both be comparable because there is a substantial difference in proposed rental values. Further, the rental value as requested may not be the same as the rental value actually achieved when the properties are actually let. Further still, these suggested comparables appear to the Tribunal to be the usual sort of apartments that are let in cities, but this coach house is not such an apartment. It is a highly unusual property and the Tribunal has not been able to find any comparable property being advertised at the moment.
14. Doing the best that the Tribunal can, using the suggested comparable with an asking rent of £875, as a guide, the Tribunal determines that the open market rent for this property is £900 per calendar month. The property is in excellent condition and no deductions fall to be made to the rental value.
15. The Tribunal determines that the rent for this property is £900 per calendar month as from the date stated in the Respondents notice of increase in rent, being 29 August 2024.
16. The Tribunal provides these full reasons for the rent that has been set on the property because the absent tenant has requested that they be provided. The Parties should note that representations made by the tenant and evidence served by the tenant after the date that the Tribunal inspected the property and determined the market rent have been ignored on the ground that they are inadmissible as they were not before the Tribunal on 30 September 2024.

17. Further, the Tribunal points out that the rent here set is binding upon the Parties to the case, up to point where the tenancy agreement between the Parties is or has been brought to an end. The Tribunal does not know the date on which the tenant vacated the property or whether or not the tenant complied with the lease when the tenant moved out of the property.

### **The Decision**

18. The Tribunal decides the rent at which it considers that the property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy is £900 per calendar month, and this takes effect from 29 August 2024.
19. Appeal on a point of law is to the Upper Tribunal. There is no appeal against the factual calculation of the market rent. Any Party wishing to appeal against this decision has 28 days to deliver to this First-tier Tribunal an application for permission to appeal, stating the grounds of appeal, the particulars of those grounds, the paragraph numbers of the decision that are challenged and the result that the appellant seeks in raising the appeal.

Judge Tonge

23 October 2024