

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

Housing Act 1988 Section 14

Address of Premises

17, Whitley Road
Dewsbury
West Yorkshire WF12 0LP

The Tribunal members were

J R RIMMER
J GITTUS

Landlord

Silks Estates UK Ltd

Address

294, Bradford Road, Batley, West Yorkshire WF17b5PW

Tenant

Ammaarah Umar and Hamza Mahmed

1. The rent is: £1495.00 Per month (excluding water rates and council tax but including any amounts in paras 3 & 4)

2. The date the decision takes effect is: 28th August 2024

3. The amount included for services is not applicable

4. Date periodic/statutory periodic assured tenancy commenced

28th July 2024

5. Rental period

monthly

6. Allocation of liability for repairs

AS PER LANDLORD AND TENANT ACT
1985

7. Furniture provided by landlord or superior landlord

NIL

8. Description of premises

A two-storey, 3 bedrooomed house of modern brick construction under a tile roof. There is a bathrooms and downstairs w/c, a large kitchen and hall, stairs and landing. The garage is converted into storage space as the pathway from the road has blocked access to allow a level approach. The house is at a lower level accessed by stairways. The is a rear garden, accessed via decking from a large garden room.

Chairman

J R RIMMER

Date of Decision

10th October 2024



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

Case Reference : **MAN/00CZ/MNR/2024/0241**

Property : **17, Whiteley Road, Dewsbury, West Yorkshire
WF12 0LP**

Applicant : **Hamza Mahmed and Ammaarah Umar**

Respondent : **Silk Estates UK Limited**

**Type of
Application** : **Application to determine a market rent
following a landlord's notice under Section
13(2) Housing Act 1988**

Tribunal Members : **Mr J R Rimmer
Ms J Gittus MRICS**

Date of Decision : **20 January 2025**

Decision : **The rent for the property at 17, Whiteley Road,
Dewsbury shall be £1495.00 per calendar
month with effect from 28th August 2024**

- 1 These are the reasons for the decision of the First-Tier Property Tribunal appointed to consider a notice proposing a new rent under an Assured Periodic Tenancy of 17, Whiteley Road, Dewsbury WF12 0LP. The landlord is Silk Estates UK Limited of 294, Bradford Road, Batley WF17 5PW and the tenants are Hamza Mahmed and Ammaarah Umar.
- 2 The property is a large, detached house occupying a semi-rural hillside location in the Overthorpe area of Dewsbury, West Yorkshire. Its design and layout is distinctive and idiosyncratic, given the hillside location and the incorporation of accommodation leading to a garage that cannot be

used as such in view of the means of access from Whiteley Road above the property. The property consists of hallway, lounge, large kitchen and garden room with access to an extensive decked area on the ground floor with w/c, together with four bedrooms and family bathroom on the first floor. There is also the garage space.

- 3 The Applicants took a six-month assured shorthold tenancy of the house with effect from 28th July 2023 and have remained in occupation since that time at a rent of £1,350.00 per calendar month. The landlord served a notice proposing a new rent for the tenancy dated 10th July 2024 and with a new rent of £1550.00 per month, to be effective from 28th August 2024.
- 4 Both parties provided written evidence to the Tribunal in support of their respective case for and against the proposed increase. Ms Umar drew the Tribunal's attention to what she considered to be a number of defects in the state and condition of the property to suggest that an increase in the rent was inappropriate. The landlord concentrated upon providing evidence of current market rents in the surrounding area that suggested an increase to the proposed level was appropriate.
- 5 Neither party requested a hearing before the Tribunal. It therefore considered all that it had read in the submissions later on the day that it inspected the property, 10th October 2024.
- 6 The Tribunal is required to assess the appropriate level of rent for a property such as 17, Whiteley Road in accordance with Section 14 Housing Act 1988, being the Rent at which the Tribunal considered that the subject property might reasonably be let on the open market by a willing landlord under an assured tenancy. In doing so it must have regard to the terms and conditions of the tenancy, other than those relating to rent, that currently apply although it is recognised that this tenancy is one where the letting does not include items such as carpets, curtains and white goods likely to be found a more modern, or modernised, property.
- 7 The Tribunal has exercised its knowledge, experience and skill in assessing the likely market rent for the property after taking the above into account. It has also taken into account both the evidence of comparable properties provided to it by the landlord and the competing views expressed thereon, together with the extensive observations of Ms Umar regarding its state and condition.
- 8 In assessing that evidence, the Tribunal is particularly concerned that it is dealing with a property in a semi-rural situation and on a hillside location and a number of the matters raised by the Applicants reflect this.
- 9 If it deals first with the comparable evidence supplied by the landlord the Tribunal notes that extensive efforts appear to have been made to provide

a range of properties that collectively reflect characteristics that are not dissimilar to those of the fairly unique subject property. In general, the considered opinion of the Tribunal is that those properties reflect a rental level that is compatible with the asking rent being proposed by the landlord. There are some rents within the details provided that are some way below the rental level that is being sought and a few that are at, or slightly above that level. The Tribunal does consider that, on the whole, the subject property would, by its nature, merit a rent at the higher end of the range by reason of being at the top end of that market.

- 10 Whilst the Tribunal does feel that the Applicants overstate their case in respect of the issues that they have, based upon the observations of the Tribunal at its inspection, it does accept that there is an element of concern that would be likely to be reflected in any rental negotiations by parties familiar with the property even though the applicants do, in their submission indicate that the majority of repair issues have been resolved during the period of their occupation.
- 11 Having given full consideration to all those submissions made by the parties the Tribunal would effect a valuation based upon a starting point in the region of £1600.00 per calendar month for property offering the same level of accommodation and amenity as 17, Whiteley Road.
- 12 As indicated above the Tribunal consider that there should be a reflection in the final rent for those difficulties that remain and should properly be reflected in a discount from that initial amount and detailed in the Applicants' submission, to reflect both what is outstanding and what the Applicants' have done to ameliorate their position. The Tribunal has valued that at an amount of £105.00 per month. This results in a rent in of £1495.00 per month. It therefore determines the rent for 17, Whiteley Road at £1495.00 per month from the date stated for its commencement on the notice proposing the new rent, 28th August 2024.

J R RIMMER (CHAIRMAN)

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