

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

6 Lismore Road,
Sheffield S8 9JD

The Committee members were

Tribunal Judge J. E. Oliver
Tribunal Member S. A. Kendall

Landlord

Kasir Nadim

Address

20 Lytham Road, Manchester M19 2AS

Tenant

Jennifer Eills

1. The rent is: £280 **Per week** (excluding water rates and council tax but including any amounts in paras 3&4)

2. The date the decision takes effect is: 5th December 2024

*3. The amount included for services is
not applicable

Per

***4. Service charges are variable and are not included**

5. Date assured tenancy commenced 1993

6. Length of the term or rental period Per week

7. Allocation of liability for repairs

8. Furniture provided by landlord or superior landlord

9. Description of premises

A large Victorian semi-detached property comprising 2 living rooms, kitchen, 2 bedrooms, 1 box room, attic, bathroom, kitchen and cellar. There are front and rear gardens with garage.

Chairman

J. E. Oliver

Date of Decision

23rd April 2025



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/OOCG/MNR/2025/0619

Property : 6 Lismore Road, Sheffield, S8 9JD

Applicant : Jennifer Eills

Representative : In person

Respondent : Kasir Nadim

Representative : E and K Solicitors

Type of Application : Housing Act 1988 Section 14

Tribunal Members : Tribunal Judge J. E. Oliver
Tribunal Member S. A. Kendall

Date of Determination : 23rd April 2025

Date of Reasons : 6th May 2025

REASONS FOR DECISION

Decision

1. The Tribunal has jurisdiction to deal with the application.
2. The rent payable for 6 Lismore Road, Sheffield ('the Property') is £280 per week with effect from 5th December 2024.

Application

3. This is an application by Jennifer Eills ("the Applicant") for the determination of the rent payable in respect of the Property, pursuant to Section 14 of the Housing Act 1988 ('the Act').
4. The tenancy of the Property commenced in 1993. The Tribunal was not provided with a copy of any tenancy agreement
5. Kasir Nadim (the Respondent"), the landlord of the Property served a notice to increase the rent for the Property ("the Notice") from the existing rent of £280 per week to £460 per week. The Notice, dated 29th October 2024, stated the increase was to take effect from 5th December 2024.
6. The Applicant objected to the proposed increase and filed an application with the First-tier Tribunal for the issue to be determined.
7. The Tribunal inspected the Property on 1st April 2025 in the presence of the Applicant's husband, Simon Nightingale and Respondent.

Inspection

9. The Property is a large semi-detached Victorian property situate in Meersbrook Sheffield.
10. The Property comprises a hallway, 2 living rooms, kitchen, bathroom, 2 bedrooms box room an attic and a cellar. The Property has partial dated double glazing and gas central heating. There are gardens to the front and rear of the Property, a garage and 2 garden sheds. Ther Tribunal did not inspect the attic at the request of Simon Nightingale. The Applicant did not wish to meet the Tribunal or the Respondent and was in the attic.
11. Simon Nightingale advised the Applicant had undertaken significant work on the Property during the tenancy. There was also significant work required.
12. At the inspection the Tribunal noted the works that had been completed and that which was outstanding as follows:

Hallway

The Applicant had provided the flooring, a radiator cover, extra electrical sockets and decorations. It was noted there was cracking to the cornice.

Living Room

The Applicant had provided the carpet and curtains, decorated the room, installed wooden panelling to the walls and doors, installed an electric fire and fire surround and had created a built-in cupboard. The Applicant had also replaced the roof on the bay window. There had been a leak from an upstairs radiator that had caused staining to the ceiling which was still evident.

Dining Room

The Applicant had provided the flooring, replaced the fire and had built in cupboards and shelving. The windows were partially double glazed but only one top window could be opened.

Kitchen

The Applicant had replaced the kitchen twice with new units and including an oven, hob and dishwasher and had removed the kitchen door into the hallway. The Applicant had also replaced the back door with a stable door and had replaced the boiler together with the cost of a new mains gas feed into the Property. The Flooring belonged to the Applicant. It was noted the glass in the double-glazed window was cracked.

Garage

The garage was in a poor condition; it had an asbestos roof and both the back door and fall pipe were broken. The Applicant had installed extra sockets and a new fuse board and was using the rear area as a utility room with a washing machine.

Bathroom

The Applicant had replaced the bathroom twice and now included an electric shower. There was evidence of damp in the bathroom caused by the exterior guttering that was broken.

Bedroom 1

This is a double bedroom. The Applicant had installed coving, a dado rail and carpets in the bedroom. The glass in the double-glazed window was shot.

Bedroom 2

This is a double bedroom. The floor covering belongs to the Applicant and extra sockets and an open-fronted wardrobe have been installed.

Box Room

The Applicant has replaced the radiator and has provided the floor covering. The window was the original sash window.

Attic

This room was not inspected but the Tribunal was advised this room has a side window and the eaves have been opened up to provide more floor space. The Applicant has redecorated the space and installed additional sockets.

Cellar

The Applicant had installed a new fuse board and 2 central heating radiators.

Exterior of the Property

The Tribunal noted the guttering at the back of the Property was broken, there was grass growing out of the chimney stack, the chimney stack and ridge tiles require re-pointing. The waste pipe at the rear of the Property is in a poor condition and the barge boards at the gable end require painting. The Applicant had undertaken some work by replacing the grass with pebbles and had installed 2 garden sheds.

13. At the conclusion of the inspection the Tribunal directed further submissions be made by the Applicant upon the issue of hardship pursuant to section 14(7) of the Act and for the Respondent to reply to those representations. The Respondent advised he had not received a copy of the application. The Tribunal further directed the Respondent make further submissions upon the application and for the Applicant to respond should she wish to do so.
14. The Applicant made written submissions upon the issue of hardship. The Respondent did not make any response, nor did he make any further submissions upon the application as directed.

Determination

15. The Tribunal firstly considered whether it had jurisdiction to deal with the application. The tenancy must be one that falls within section 13 of the Act.
16. The criteria for this are:
 - the tenant must have exclusive occupancy of the Property;
 - the Property must be a dwelling house;
 - the dwelling house must be let as a separate property;
 - the tenant must be an individual;
 - the tenant must occupy the property as their principal home; all these conditions are met in this case.

17. The following criteria must then be satisfied:

- the tenancy is a periodic tenancy that makes no provision for a rent increase;
- any rent increase is in the prescribed form;
- the rent increase must be 52 weeks after the commencement of the tenancy;
- the rent increase must also be 52 weeks after any previous increase;
- the notice period for the increase must be at least one month;
- the notice must be signed by the landlords;
- the proposed rent must be specified to take effect at the beginning of a new period of the tenancy.

18. The Tribunal considered the criteria to be satisfied and the Notice dated 29th October 2024 to be valid.

19. The Tribunal thereafter considered the appropriate market rent for the property. It noted neither party had submitted any evidence of suitable comparable properties.

20. The Tribunal considered the open market rent of the Property and relying upon its own knowledge and expertise considered the evidence available to it from the advertisements of rental properties in the area and generally were smaller than the Property and were without garages and were listed at £1200 pcm. An additional sum of £200 pam was added to reflect the Property had a garage and larger footage.

21. The Tribunal thereafter determined there should be deductions from the market rent. A deduction of £30.00 per calendar month is made for the lack of provision of furnishings. There are then further deductions for disrepair to reflect the condition of the Property and a further reduction to reflect the work undertaken by the Applicant for improvements.

22. The deductions to be made for disrepair as are follows:

Guttering, ridge tiles, chimney stack plus scaffold	£25.00
Defective windows plus scaffold	£25.00
Asbestos garage roof and garage guttering	£5.00
Cast Iron waste pipe	£5.00
Barge boards plus scaffold	<u>£10.00</u>
Total	£70.00

23. The deductions to be made to the rent for improvements carried out by the Applicant are as follows:

New bathroom x 2	£20.00
New kitchen x 2	£20.00
New gas boiler and gas feed	£20.00
Replacing leaking bay window roof	£10.00
Landscaping rear garden and 2 garden sheds	<u>£10.00</u>
Total	£80.00

24. The Tribunal determined the rent for the Property is £1220 pcm equivalent to £280 per week.

25. The rent for the Property is therefore in the sum of £280 per week, with effect from 5th December 2024, being the date of the Notice.

26. In making its decision the Tribunal had regard to section 14(7) of the Act and considered the matter of undue hardship as requested by the Applicant. Here, the Tribunal had not increased the rent from the existing rent and, accordingly, section 14(7) of the Act does not apply.