

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

Housing Act 1988 Section 14

Address of Premises

2 Bridge Street,
Heckmondwike,
WF16 9JB

The Tribunal members were

Tribunal Judge J. E. Oliver
Tribunal Member A. Hossain

Landlord

Barford Property Services Ltd

Address

139 Birkenshaw Lane
Birkenshaw
Bradford
BD11 2HD

Tenant

Janine Lister

1. The rent is: £

550

Per

Calendar
month

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

2. The date the decision takes effect is:

10th June 2025

3. The amount included for services is not applicable

Per calendar month

Per

4. Date assured tenancy commenced

19th July 2014

5. Length of the term or rental period

Per calendar month

6. Allocation of liability for repairs

Per tenancy agreement

7. Furniture provided by landlord or superior landlord

All floor coverings and all white goods

8. Description of premises

A small terraced property comprising 2 bedrooms, being one double and one small single bedroom, bathroom, kitchen/living room and loft. The property has one entrance door leading to a small garden. There is no off-road car parking space.

Chairman

J.E. Oliver

Date of Decision

10th June 2025



FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL
PROPERTY)

Case Reference : MAN/OOCZ/MNR/2025/0695

Property : 2, Bridge Street, Heckmondwike,
WF16 9JB

Applicant : Janine Lister

Representative : In person

Respondent : Barford Property Services Ltd

Representative : Mr Zamir

Type of Application : Housing Act 1988 Section 14

Tribunal Members : Tribunal Judge J. E. Oliver
Tribunal Member A. Hossain

Date of Determination : 10th June 2025

Date of Reasons : 18th June 2025

REASONS FOR DECISION

Decision

1. The Tribunal has jurisdiction to deal with the application.
2. The rent payable for 2 Bridge Street, Heckmondwike ('the Property') is £550 per calendar month with effect from 10th June 2025.

Application

3. This is an application by Janine Lister ("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 on 19th July 2014.
5. Barford Property Services Ltd (the Respondent"), the managing agent of the Property served a notice to increase the rent for the Property ("the Notice") from the existing rent of £525 per calendar month to £750 per calendar month. The Notice, dated 13th January 2025, stated the increase was to take effect from 19th February 2025.
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 10th June 2025. Mr Kamir attended on behalf of the Respondent, but the Applicant did not wish him to enter the Property and therefore he did not attend the inspection.

Inspection

9. The Property is a back-to-back stone-built house beneath a tiled roof comprising GF: small vestibule, open kitchen/dining room. FF:2 bedrooms and bathroom/WC. There is an enclosed garden fronting the Property with decked patio area which has rotten timber in places evidenced by broken panels. Due to the lack of space, the washing machine is located on the first floor. The Property has a dated double-glazed door and windows with gas central heating. The room sizes are small in comparison with a conventional terraced house with the small single bedroom only having space for a single bed and wardrobe.
10. The Applicant confirmed the landlord has done work to insulate the outside walls throughout the Property, although this had left bare plaster and no redecoration had been completed. The work had reduced the size of all the accommodation but is more significant in the small bedroom.
11. The Tribunal noted at least two thermostatic valves to radiators were loose and defective. Also, the pop-up plug to the hand basin in the bathroom was broken and defective.

Determination

12. 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.

13. 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.

14. 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.

15. The Tribunal considered the criteria to be satisfied and the Notice dated 13th January 2025 to be valid.

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

17. 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. In particular, the Tribunal noted there were advertisements for the following:

• Castle Hill View, Heckmondwike-2 bed modern terrace -	£850 pcm
• Common Road, Batley WF 17-2 bed terrace-	£725 pcm
• Albert Street Liversedge WF 15 2 bed terrace-	£650 pcm
• Arnold Street Liversedge WF 15 2 bed terrace-	£600 pcm
• Lonsdale Terrace Liversedge WF 15 2 bed terrace-	£650 pcm

18. The Tribunal considered the comparable properties but noted none were directly comparable, each having larger accommodation and more modern amenities. In relying upon its own knowledge and experience of the property market in the area, it determined the open market value for the Property would be £575 per calendar month. This reflects the smaller property and its unique layout.

19. The Tribunal thereafter determined there should be a deduction from the market rent of £25 per calendar month for the disrepair as referred in paragraphs 11 and 12 above and the lack of modern amenities. The Applicant has not undertaken any improvements to the Property.

20. The Tribunal determined the rent for the Property is £525 per calendar month, with effect from 10th June 2025, being the date of the Tribunal's decision.
21. In making its decision the Tribunal had regard to section 14(7) of the Act and considered the matter of undue hardship. The Applicant confirmed she was in receipt of Housing Benefit, in the maximum sum of £450 per month. She would have difficulty in paying the arrears from her remaining benefits were the increase in rent to be effective from the date in the Notice, namely 19th February 2025. Accordingly, the increase in rent is effective from the date of the Tribunal's decision.