

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

Housing Act 1988 Section 14

Address of Premises

25 Laburnum Road, Manchester, M28
7EL

The Tribunal members were

Mr S Wanderer
Ms D Latham

Landlord

Mustafa & Co Property Management

Address

960 Stockport Road, Levenshulme, Manchester, M19 3NN

Tenant

Mr & Mrs Abdul & Dahlia Tayah

1. The rent is:£

1250.00

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 March 2024

*3. The amount included for services is not
applicable

0.00

Per

month

*4. Service charges are variable and are not included

5. Date assured tenancy commenced

1 February 2024

6. Length of the term or rental period

Monthly

7. Allocation of liability for repairs

As per tenancy agreement

8. Furniture provided by landlord or superior landlord

N/K

9. Description of premises

Semi-detached house with double glazing and gas central heating.
GF: living room, kitchen, bedroom, bathroom.
FF: 3 bedrooms, bathroom.
Rear garden, driveway to front.

Chairman

S Wanderer

Date of Decision

22 July 2024



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/00BN/MNR/2024/0074

Property : 25 Laburnum Road, Manchester, M28 7EL

Tenants : Mr Abdulsattar Aziz Tayah Tayah and
Mrs Dahlia Mahmoud Tayah Tayah

Landlord : Mr Mahdi Satih Atteia

Type of Application : s13 Housing Act 1988

Tribunal Members : Mr S Wanderer
Ms D Latham

Date of Decision : 22 July 2024

DECISION

Decision

1. By a decision dated 22 July 2024, the Tribunal determined, in accordance with section 14 of the Housing Act 1988, that the open market rent for the Property is £1,250.00 per month.

Background

2. By a notice dated 19 January 2024, ("the Notice"), the Landlord proposed a new rent of £1,275.00 per month to take effect from 1 March 2024.
3. By an application dated 4 February 2024, the Tenant referred the Notice to the Tribunal.

Inspection

4. The Tribunal inspected the Property on 22 July 2024.

5. The Property is a two-storey semi-detached house with front driveway/garden and rear garden. The Property is situated on residential street alongside similar properties. A modern housing development, on what was formerly the site of a school, lies opposite the Property. The accommodation comprises: G/F: open plan reception room, kitchen, rear extension providing bedroom with en-suite shower and w/c; 1/F: bathroom, 2 double bedrooms, 1 single bedroom. The Property has double-glazing and gas central heating.

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6. The Property is let unfurnished. Floor coverings and blinds are provided by the Landlord. With the exception of the washing machine, white goods are the Tenants'
7. Upon inspection, the Tribunal noted:
- 7.1 damp/water ingress damage in need of repair;
- 7.2 garden/fencing in poor state of repair; and
- 7.4 Tenant commented certain white goods were faulty.

Evidence and Hearing

8. Written submission were made by the Tenants, who also attended a hearing which took place following the inspection of the property on 22 July 2024. The Landlord did not make any submissions and did not attend the hearing.
- 8.1 The Tenants' submissions largely addressed questions of the landlord/tenant relationship and maintenance of the Property. Many of the issues raised did not fall within the scope of the Tribunal's rental determination.
- 8.2 Neither the Landlord nor the Tenants provided any rental comparables. At the hearing, the Tenants mentioned nearby properties available at lower rents, but no details were provided. The rent sought by the Tenants was £1,100 per month.

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.

Tribunal's Deliberations

14. The Tribunal determined the Notice to be valid in accordance with s13(2).
15. The Tribunal determined that the open market rent for a comparable property to the Property in good condition was £1,400.00 per month.
16. The Tribunal determined that deductions totalling £150.00 per month should be made from this rent to allow for items of disrepair.
17. The Tribunal therefore determined that the open market rent for the Property in accordance with the statutory basis is £1,250.00 per month.
19. This rent will take effect from 1 March 2024 being the date stipulated in the Notice.