

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

Housing Act 1988 Section 14

Address of Premises

36 Kirkmanshulme Lane, Longsight,
Manchester, M12 4WA

The Tribunal members were

Mr S Wanderer
Mr A Hossain

Landlord

Nahid Ahmed

Address

Vogue Properties Ltd, Suite 13, 114 Boundary Lane, Manchester, M15 6FD

Tenant

John Skelton

1. The rent is: £710 Per Month (excluding water rates and council tax but including any amounts in paras 3 & 4)

2. The date the decision takes effect is: 24-Jan-24

3. The amount included for services is not applicable

Per

4. Date periodic/statutory periodic assured tenancy commenced

24-Mar-06

5. Rental period

Monthly

6. Allocation of liability for repairs

As per tenancy agreement

7. Furniture provided by landlord or superior landlord

N/A

8. Description of premises

End-terrace house
Cellars, kitchen, 2 x reception rooms, 3 bedrooms (+ large half landing providing further living space), bathroom.
Gardens to front and rear.
The property is in dated condition with significant disrepair to parts including severe damp penetration.

Chairman

S Wanderer

Date of Decision

24 February 2025



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/OOBN/MNR/2024/002

Property : 36 Kirkmanshulme Lane, Longsight,
Manchester, M12 4WA

Tenant : John Skelton

Landlord : Nahid Ahmed

Type of Application : s13 Housing Act 1988

Tribunal Members : Mr S Wanderer
Mr A Hossain

Date of Decision : 24 February 2025

DECISION

Decision

1. By a decision dated 24 February 2025, the Tribunal determined, in accordance with section 14 of the Housing Act 1988, that the open market rent for the Property is £710.00 per month.

Background

2. By a notice dated 25 December 2023, ("the Notice"), the Landlord proposed a new rent of £1,350.00 per month to take effect from 24 January 2024.
3. By an application dated 27 December 2023, the Tenant referred the Notice to the Tribunal.

Inspection

4. The Tribunal inspected the Property on 24 February 2025.
5. The Property is an end-terrace house with front and rear garden. The Property is situated on a busy road alongside similar properties. Immediately adjacent to the Property is the access way leading to the Longsight branch of Asda. The accommodation comprises: Cellars; G/F: 2 reception rooms, kitchen; 1/F: bathroom, 2 bedrooms, half landing providing further living space; loft: bedroom. The Property has double-glazing and gas central heating.

6. The Property is let unfurnished. Floor coverings are provided by the Landlord. Blinds/curtains are provided by the Tenant. With the exception of the oven and hob, white goods are the Tenants'
7. Upon inspection, the Tribunal noted:
 - 7.1 very significant damp/water ingress to substantial parts of the Property;
 - 7.2 boundary wall in rear garden is partially collapsed and at risk of further collapse;
 - 7.3 the Property is fairly dated throughout and a number of the internal doors are ill-fitting;
 - 7.4 the position of the front door threshold makes for an awkward height step into the house; and
- 7.4 Tenant commented that the television aerial cable had been severed.

Evidence and Hearing

8. Written submission were offered on behalf of both the Landlord and the Tenant, both of whom were represented at the hearing which took place following the inspection of the property on 24 February 2025.
 - 8.1 The Tenant's submissions largely addressed questions of the condition and maintenance of the Property, but did not provide any rental comparables.
 - 8.2 The Landlord's agent has provided within his submissions a number of comparables ranging from £1,250 to £1,550 per month. At the hearing he explained that the rent proposed within the Notice was based on a market value in good condition of £1,550, from which £200 had been deducted to take account of the Property's condition to give a figure of £1,350. On reflection, however, the Landlord's agent said he felt the market rental value in good condition was actually £1,250, with a £300 allowance to be made for poor condition to give a figure of £950 per month, which was the figure he asked the tribunal to determine.
 - 8.3 The Tenant's representative noted at the hearing that the Property did not benefit from parking, so would be less desirable than some of the landlord's comparables. In his view no increase in rent was warranted from the current figure of £540 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 £1,250.00 per month.
16. The Tribunal determined that deductions totalling £540.00 per month should be made from this rent to allow for items of disrepair the Tribunal found upon inspection. This significant level of deduction reflects the very serious extent of the disrepair in evidence.
17. The Tribunal therefore determined that the open market rent for the Property in accordance with the statutory basis is £710.00 per month.
19. This rent will take effect from 24 January 2024 being the date stipulated in the Notice.