

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

Housing Act 1988 Section 14

Address of Premises

Flat 11, The Limes, 149 Chester Road, Macclesfield, SK11 9PT

The Tribunal members were

Mr S Wanderer
Mrs H Clayton

Landlord

Thomas Denton

Address

23A Chestergate, Macclesfield, SK11 6BX

Tenant

Christopher McMahon

1. The rent is: £680 Per month (excluding water rates and council tax but including any amounts in paras 3 & 4)

2. The date the decision takes effect is: 8-Mar-24

*3. The amount included for services is/is negligible/not applicable Per

*4. Service charges are variable and are not included

5. Date periodic/statutory periodic assured tenancy commenced 8 January 2024

6. Rental period Monthly

7. Allocation of liability for repairs As per tenancy agreement

8. Furniture provided by landlord or superior landlord

Curtains, carpet, white goods.

9. Description of premises

Lower Ground Floor Flat:
1 Living Room, 1 Bathroom, 1 Kitchen, 1 Bedroom

Chairman S Wanderer Date of Decision 21 January 2025



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/00EQ/MNR/2024/0154
Property : Flat 11, The Limes, 149 Chester Road,
Macclesfield, SK11 9PT

Tenant : Christopher McMahon
Landlord : Thomas Denton
Type of Application : s13 Housing Act 1988

Tribunal Members : Mr S Wanderer
Mrs H Clayton

Date of Decision : 21 January 2025

DECISION

Decision

1. By a decision dated 21 January 2025, the Tribunal determined, in accordance with section 14 of the Housing Act 1988, that the open market rent for the Property is £680.00 per month.

Background

2. By a notice dated 16 January 2024, ("the Notice"), the Landlord proposed a new rent of £695.00 per month to take effect from 8 March 2024.
3. By an application dated 2 March 2024, the Tenant referred the Notice to the Tribunal.

Inspection

4. The Tribunal inspected the Property on 21 January 2025.
5. The Property is a lower ground floor flat. The Property is situated on a main road to the west of Macclesfield town centre. Externally, to the front of the block, there is a shared car parking area, with communal gardens to the rear. The accommodation comprises: reception room, kitchen, double bedroom, bathroom. The Property benefits from exclusive use of the rear patio area. The Property has double-glazing and gas central heating.

6. The Property is let unfurnished. Floor coverings, blinds and white goods are provided by the Landlord.
7. Upon inspection, the Tribunal noted:
 - 7.1 misted double glazing unit in patio door;
 - 7.2 damaged carpet threshold strip
 - 7.3 odour from boiler cupboard; and
 - 7.4 shower curtain not well secured.

Evidence and Submissions

8. Written submissions including comparables were made by both parties.
 - 8.1 The Tenant referred to comparables with monthly rents ranging between £600 and £675 in the following locations: Stamford Court, Swettenham Street, Elizabeth Street and Tynedale Close. The Tenant also mentioned disrepairs as well as pointed out that the number of parking spaces in the car park was insufficient for the number of flats in the building.
 - 8.2 The Landlord referred to comparables within a two-mile radius rents ranging between £650 and £995. In particular, details were provided of three other lettings within The Limes at rents ranging between £650 and £895.

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 £685.00 per month.
16. The Tribunal determined that deductions totalling £5.00 per month should be made from this rent to allow for minor items of disrepair.
17. The Tribunal therefore determined that the open market rent for the Property in accordance with the statutory basis is £680.00 per month.
19. This rent will take effect from 8 March 2024 being the date stipulated in the Notice.