



**FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **MAN/00BU/MNR/2021/0001**

Property : **Apartment 3354, Budenberg, 34,
Woodfield Road, Altrincham WA14 4RP**

Tenant : **Ms M Todor**

Landlord : **Northwood South Manchester**

Type of Application : **s13 Housing Act 1988**

Tribunal Members : **Tribunal Judge C Wood
Tribunal Member J Faulkner**

Date of Decision : **8 November 2021**

Date of Reasons : **18 January 2022**

DECISION

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Decision

1. By a decision dated 8 November 2021, the Tribunal determined, in accordance with section 14 of the Housing Act 1988, that the open market rent for the Property is £850.00 per month.

Background

2. By a notice dated 7 December 2020, (“the Notice”), the Landlord proposed a new rent of £850.00 per month to take effect from 31 January 2021.
3. By an application dated 30 December 2020, the Tenant referred the Notice to the Tribunal.

Inspection

4. Due to covid-19 restrictions, the Tribunal made an external inspection only of the Property.
5. The Property is an apartment in a large modern development of apartments with communal gardens and on-site parking.
6. The Tenant states that the accommodation comprises 2 bedrooms, (1 double and 1 single), open plan kitchen (with integrated white goods) and dining area, hall, bathroom, understairs storage and a balcony. There is access to the communal gardens and to an allocated parking space.
7. Further information was made available to the Tribunal by the photographs included within the Landlord’s submissions.

Evidence

8. Both parties made written representations to the Tribunal.
9. In the Applicant’s submissions, evidence was provided of the rents payable in respect of 4 other 2-bed apartments within the development, 3 of which were of substantially the same footprint as the Property, and where the 4th was a “triplex” located over 3 floors and offering larger accommodation. The respective rents were £760, £765, £775 and £875 per month.
10. The Landlord’s submissions included a series of online searches for comparable properties, all of which comprised 2-bed apartments within the development. Three properties had lets agreed at £850 per month, a 4th at £895 per month and a 5th at £975 per month.

The Law

- 11.1 The Tribunal must first determine that the Landlord’s notice under section 13(2) satisfied the requirements of that section and was validly served.
- 11.2 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.
- 11.3 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.

- 11.4 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.
- 11.5 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

- 12.1 The Tribunal determined the Notice to be valid.
- 12.2 The Tribunal therefore had to decide only whether or not the rent proposed by the Landlord was fair and reasonable. In doing so it must comply with section 14 (1) of the Housing Act 1988 as referred to above.
- 12.3 The Tribunal noted that the evidence provided by the Applicant did not include any details of when the rents referred to had been agreed. By contrast, the Landlord’s evidence was of properties marketed (and rents agreed) from September 2020 to January 2021. As such, the Tribunal preferred the Landlord’s evidence as being more indicative of an open market rent for the Property as at 31 January 2021 than that of the Applicant.
- 12.4 There was limited information of the reasons for the higher rents payable in respect of 2 of the apartments referenced in the Landlord’s evidence but the Tribunal considered that it was reasonable to conclude that the apartments were larger than the Property.
- 12.5 The Tribunal therefore concluded that the rent at which the Property might reasonably be expected to be let on the open market if the same were in good condition would be £850 per month.
- 12.6 The Tribunal then noted that there was no evidence provided as to whether any deductions should be made to account for the condition and characteristics of the Property.
- 12.7 The Tribunal therefore determined that the open market rent for the Property is £850 per month.
- 12.8 This rent will take effect from 31 January 2021 being the date stipulated in the Notice.

Judge C Wood
18 January 2022