



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

**Case Reference** : CHI/00HB/RTB/2018/0003

**Property** : 16 Twenty Acres Road  
Bristol  
BS10 6PL

**Applicants** : Mrs Violet Alice Taylor

**Representative** : Ms Sharon Taylor

**Respondent** : Bristol City Council

**Representative** : None

**Type of Application** : Appeal against the denial of the Right to Buy

**Tribunal Members** : Mr I R Perry FRICS  
Mr S J Hodges FRICS

**Date of Decision** : 21<sup>st</sup> January 2019

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**REASONS FOR DECISION**

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## **Summary Decision**

**The application fails.**

### **Application**

1. The application was subject to Directions made on 21<sup>st</sup> November 2018. The matter was deemed suitable for Determination on the basis of written submissions unless either party requested a hearing. No requests have been received and the matter is therefore determined in accordance with Rule 31 of the Tribunal Procedure Rules 2013 on the basis of the inspection and the bundle submitted.

### **The Inspection**

2. The Tribunal inspected the property on 21<sup>st</sup> January 2019 in the presence of the Tenant and her daughter acting as her representative.
3. The property comprises an end-terraced bungalow probably in excess of 50 years old. The accommodation includes a hall, living room, kitchen, small double bedroom and a wet room with shower, wc and wash hand basin. Windows are double glazed and there is a gas-fired hot water and central heating system.
4. There is a small front garden with level pedestrian access to the front of the property and shallow steps with a handrail from a rear door down to a small rear garden. There is also level pedestrian access down the side of the property to the rear garden.
5. Mrs Taylor moved into the property in June 2018 and has replaced floor coverings.
6. There are local shops at the corner of Greystoke Avenue and Concorde Drive which is about 700 metres from the property and an Aldi store at Ullswater drive about 500 metres distant. There is a bus route on Charlton Drive within 200 metres of the property.

### **The Issue**

7. The application is based on the Respondent's decision to deny the Applicant the right to buy the Property on the grounds in paragraph 11 of Schedule 5 to the Housing Act 1985. The Applicant requires the Tribunal to determine whether the exception from the right to buy for occupation by elderly persons applies to the Property.

8. The Respondent has denied the Applicant the right to buy the Property on the grounds that it was first let before 1 January 1990, is particularly suitable for occupation by elderly persons and was let for occupation by a person aged 60 or more all in accordance with paragraph 11 of schedule 5 of the Housing Act 1985.

### **The Law**

9. Paragraph 11 of schedule 5 of the Housing Act 1985 provides that a landlord may deny the Right to Buy in respect of a dwelling-house which:
  - was first let before 1 January 1990
  - is particularly suitable for elderly persons aged 60 and over; and
  - was let for occupation by such a person (whether or not that person was a tenant).

### **The Evidence and Decision**

10. The Respondent has provided information that the property was first let in June 1971 and that the Applicant has been a tenant of the property since 25<sup>th</sup> June 2018 at which time she was aged over 60. This has not been disputed by the Applicant.
11. Turning to whether the property is particularly suitable for elderly persons the Tribunal is assisted by paragraphs 11 and 12 of the ODPM circular 07/2004 at pages 45 - 51 of the bundle. Section 11 sets out what is meant by “elderly persons” namely “individuals who are able to live independently despite some limitations owing to age. It will not mean “individuals who are frail or severely disabled”
12. Section 12 sets out those features that need to be satisfied regarding the physical characteristics of the property and its location.
13. This is a centrally heated 1 bedroom bungalow within reasonable distance of local amenities and bus stops giving regular access to city centres. There is virtually level access from the front and only shallow steps to the rear garden with a handrail and separate access to the side of the bungalow. There are no internal steps and as such the property meets the requirements of paragraph 12.
14. The Tribunal therefore finds that the requirements of paragraph 11 of Schedule 5 of the Housing Act 1985 are met and that this application fails.

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office, which has been dealing with the case. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
2. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
3. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking