



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

Case Reference : **CHI/00HA//MNR/2021/0144**

Property : **13 Rotcombe Vale, High Littleton, Bristol,
BS39 6JZ**

Applicant : **Mr M Burgess (Tenant).**

Respondent : **The MAP Partnership (Landlord)
C/o The Letting Game.**

Date of Application : **10th December 2021**

Type of Application : **Sections 13 and 14 of the Housing Act 1988**

Tribunal : **Mr R T Brown FRICS Chairman
Mr J Reichel MRICS**

Date : **11th February 2022**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 11th February 2022 will be **£935.00 per calendar month (pcm)** with effect from 18th December 2021.
2. By an application dated 10th December 2021, the tenant of the above property referred a notice of increase in rent served by the landlord under section 13 of the Housing Act 1988 to the Tribunal.
3. The landlord's notice dated the 1st October 2021 proposed a rent of **£1,000.00 pcm** with effect from 18th December 2021, in place of the current rent of £850.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and is dated 18th September 2020. The tenancy is subject to the Landlord's repairing obligations defined in Section 11 the Landlord and Tenant Act 1985.

Property and Inspection

5. Following the Directions dated 6th January 2022 and the explanation contained therein, the Tribunal did not inspect the premises.
6. Extracting such information as it could from the papers supplied to the Tribunal by the parties, by reference to information publicly available on the internet and with the benefit of its knowledge and experience the Tribunal reached **the following conclusions and found as follows:**
7. High Littleton is located in a residential area to the south of Bristol and south west of Bath.
8. The property comprises a double glazed centrally heated semi-detached house.
9. The accommodation comprises: Living Room/Dining Room, 3 bedrooms, kitchen, bathroom and W.C. Outside: Gardens and garage
10. The property is let part furnished: Carpets and cooker.
11. The Tribunal assumed that all mains services are connected.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 6th January 2022.
14. Landlord: Tribunal Reply Form.
15. Tenant: Application and Reply Forms, Notice of Increase and Tenancy Agreement.

Landlord's Representations (summarised):

16. The Landlord says in the Reply Form and attachments:
- a) Not aware of any disrepair or defect.
 - b) Condition: reasonable.
 - c) 6 miles to Keynsham and 7 miles to Bath railway stations.
 - d) There is a lack of comparables in the immediate area but within 3 miles there are several 3 bedroom properties at rents ranging from £950.00 to £1,200.00 pcm.

Tenant's Representations (summarised)

17. The Tenant says in the Application and Reply Forms and email of enclosures dated 10th December 2021:
- a) Curtains are not included.
 - b) Front door is not double glazed.
 - c) On moving (in 2020) in pre-arranged works had not been completed: property unhygienic, electric consumer unit wires hanging out, bathroom flaking paint and mould, kitchen and cooker greasy and dirty, carpets covered in dog hair, mould in bedrooms and front door ill fitting.
 - d) The garden was overgrown and the garage full of rubbish.
 - e) The landlord is seeking planning to develop a small part of the site which means we will lose the garage, parking and have the rent increased.
 - f) The current rent of £850.00 pcm is more than enough.
18. Photographs are included showing the condition of the property, apparently taken at the time of moving in.

The Tribunal's Deliberations

19. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
20. The Tribunal is required to determine the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an Assured Tenancy. The personal circumstances of the Tenant or Landlord are not relevant to this issue.
21. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at C expiring on 26th June 2025. The legal minimum standard for letting a property is rating E.
22. Based on the knowledge of its members the Tribunal finds that the market for this type of property is very sensitive to condition and inventory.
23. The Tribunal, acting as an expert tribunal, determined what rent the landlord could reasonably be expected to obtain for the subject property in the open market if it were let today in the condition and subject to the terms of such a tenancy that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rent levels. Having done so, it concluded that

such a likely market rent for a similar modernised property in fair condition with modern central heating, modern bathroom and kitchen facilities, floor coverings, cooker, washing machine and an EPC Rating above F would be **£1,000.00 pcm.**

24. It was not clear to the Tribunal whether or not the disrepair issues listed as being in issue at the commencement of the tenancy were still in issue. The Tribunal's interpretation of the Tenant's comments in the Reply Form is that these matters are not currently in issue.
25. Further the Tribunal can only issue its determination on the basis of the information before it. It cannot assess what impact the proposed development may have on the future rent and apply it to the current rent. No comparable evidence was presented by the tenant as to impact the development proposals may have on the current rent.
26. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property) determined to make a deduction in respect of issues identified by the Tenant:
 - a) Lack of fridge and washing machine: £25.00.
 - b) Lack of curtains: £20.00
 - c) Part double glazing: £20.00Total deduction £65.00 pcm
27. Accordingly the Tribunal determined that the market rent for the subject property is **£935.00 pcm.**
28. The rent will take effect from 18th December 2021 being the date specified by the landlord in the notice of increase.

Relevant Law

29. Sections 13 and 14 of the Housing Act 1988.
30. Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (SI 2015 No.620)

RIGHTS OF APPEAL

1. A person wishing to appeal this decision (on a point of law only) 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. Where possible you should send your application for permission to appeal by email to rpsouthern@justice.gov.uk as this will enable the First-tier Tribunal Regional office to deal with it more efficiently.
2. 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.

3. 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.
4. 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.