



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

Case Reference : **CHI/00HB/MNR/2022/0008**

Property : **266 Southmead Road, Westbury - on -Trym,
Bristol BS10 5EN**

Applicant : **Mr J and Mrs A Wilk (Tenant)**

Respondent : **Mr A Sexton (Landlord)**

Date of Application : **30th January 2022**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr M Woodrow MRICS
Mr C Davies FRICS ACI Arb**

Date : **16th March 2022**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 16th March 2022 will be **£995.00 per calendar month (pcm)** with effect from 6th February 2022.
2. By an application dated 30th January 2022, 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 5th January 2022 proposed a rent of **£1,095.00 pcm** with effect from 6th February 2022, 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 6th April 2016. 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 11th February 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. The property is located in a mainly residential area to the north of Bristol City Centre, close to Southmead Hospital and other amenities are readily available.
8. The property comprises a double-glazed centrally heated semi-detached house with rendered masonry under a tiled roof.
9. The accommodation comprises: Ground Floor: Hall, Living Room, Dining Room, kitchen, bathroom/WC. First Floor: W.C and 2 bedrooms. Outside: Garden and off-street parking.
10. The property is let unfurnished but with carpets ,curtains and white goods.
11. The Tribunal assumed that all mains services are connected.

Hearing and Applications for Order 1 by both parties

12. A hearing was not requested.
13. On 13th March 2022 the Tenant submitted an application under Order 1 asking the Tribunal to decline the Landlord's proposed increase, essentially because of the ongoing repair issues.
14. On 14th March the Landlord submitted an application under Order 1 asking the Tribunal to note the Tenant had agreed to the increase and saying that the Tenant

was referring to resolved issues. Further that historic photographs were not relevant to the market rent today.

15. On the 14th March 2022 the Tenant submitted a 2nd application under Order 1 again asking the Tribunal to decline the Landlord's requested increase acknowledging that she had said she would accept an increase if repairs were carried out.

Tribunal's consideration and determination on the Order 1 applications.

16. The applications contain references to disputes between the parties which are not relevant to the determination of the rent. All references to those disputes have not been included in these reasons as they fall outside the Tribunal's jurisdiction to determine the rent.
17. The only issue which is relevant is the question of photographs which the Landlord says are historic.
18. The Tribunal makes its determination on the information and evidence before it (together with where relevant its own knowledge of rent levels in the locality). In this case the Landlord produces no evidence to prove the photographs are not a true representation of the condition of the property today.
19. On the evidence before it the Tribunal determines that all three applications are dismissed and that it will proceed on the basis of the papers originally submitted.

Documents supplied to and considered by the Tribunal

20. Tribunal Directions dated 11th February 2022.
21. Landlord: Tribunal Reply Form.
22. Tenant: Application Reply Forms and additional documents, Notice of Increase and Tenancy Agreement.

Landlord's Representations (summarised):

23. The Landlord says in the Reply Form and attachments:
 - a) The following works had been undertaken
2017: Tiled bathroom
2018: Re-rendered house
2020: Replaced rear gutter
2021: Damp treatment and new boiler
 - b) Damp in the kitchen is being monitored.
 - c) Kitchen and Bathroom are in good condition and were in place when the house was bought in 2016.
24. The property is located near major local employers and on a main bus route.

25. Market Rent: A local agents suggests £1,250.00 pcm in the market today. A schedule of local properties available to rent is included showing asking rents ranging from £1,000.00 (smaller property) to £1,400.00 pcm.

26. Undated photographs are included.

Tenant's Representations (summarised)

27. The Tenant says in the Application and Reply Forms:

- a) Tenant: Refreshed decorations, changed floor covering in hall, renovated outside toilet, refixed moving floorboards and refreshed toilet unit and sink cabinet.
- b) Defects include: Wet walls in kitchen, living room and bathroom, rotten windows, broken bath screen.
- c) Tenant replaced the fridge in 2019 and paid for repairs to the washing machine.
- d) Repairs undertaken by the Landlord include: Bedroom 1 and Kitchen: wet plaster covered with plasterboard and Boiler replaced (2021).

28. Undated photographs are included evidencing damp and poor decorations.

29. The documentation includes copies of correspondence in late summer 2020 from The Private Housing Services Department of Bristol City Council highlighting issues at the property including:

- 1: Damp and Mould
- 2: Structural collapse and falling elements (boundary wall)

30. No market rent evidence was submitted.

The Tribunal's Deliberations

31. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.

32. 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.

33. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at E expiring on 29th September 2030. The legal minimum standard for letting a property is rating E.

34. 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.

35. 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 of E or above would be **£1,200.00 pcm.**

36. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property determined to make deductions in respect of issues identified by the Tenant:

- a) Poor kitchen and bathroom fittings: £100.00
- b) Disrepair (mainly damp and impact on decoration): £100.00
- c) Tenant provision of fridge: £5.00

Total deduction £205.00 pcm

37. Accordingly, the Tribunal determined that the market rent for the subject property is **£995.00 pcm.**

38. The rent will take effect from 6th February 2022 being the date specified by the landlord in the notice of increase.

Relevant Law

39. Sections 13 and 14 of the Housing Act 1988.

40. 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.