



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

Case Reference : **CHI/00HB/MNR/2022/0058**

Property : **FFF 247 Two Mile Hill Road, Bristol, BS15
1AY**

Applicant : **D Trubody (Tenant)**

Respondent : **G Smith (Landlord)**

Date of Application : **26th May 2022**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr S Davies FRICS
Mr N Robinson FRICS**

Date : **20th July 2022**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 20th July 2022 will be **£820.00 per calendar month (pcm)** with effect from 8th July 2022.
2. By an application dated 26th May 2022, the Tenants 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 10th May 2022 proposed a rent of **£820.00 pcm** with effect from 8th July 2022, in place of the current rent of £675.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement was not included but apparently is dated 8th November 2019. 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 27th June 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 in mixed residential and commercial area within the city of Bristol.
8. The property comprises a First Floor Flat over a ground floor office in a parade of shops and other commercial uses and is double glazed and centrally heated.
9. The accommodation comprises: Hallway, living Room, kitchen/diner, 2 bedrooms, shower room. No outside facilities or parking.
10. The property is let unfurnished with floor coverings and white goods (no washing machine).
11. The Tribunal assumed that all mains services are connected.

Documents supplied to and considered by the Tribunal

12. Tribunal Directions dated 27th June 2022.
13. Landlord: Tribunal Reply Form.
14. Tenant: Application, Notice of Increase and Reply Form

Landlord's Representations (summarised):

15. The Landlord says in the Reply Form and attachments:
 - a) Over last two years: New central heating boiler, saniflow and repair to door.

- b) The kitchen, bathroom shower room were revamped prior to tenant moving in (2018).
 - c) The mould referred by the Tenant is the result of lack of ventilation.
16. The property is on the main road with bus service, shops, bars and restaurants within walking distance.
17. The property is below rental value as no increase for the last three years. The proposed increase is in line with market rents.

Tenant's Representations (summarised):

18. The Tenant says in the Application and Reply Forms:
- a) No washing machine provided by Landlord.
 - b) Confirms new boiler and saniflow.
 - c) Repairs incomplete after shower repair. Tiles and panels missing.
 - d) Roof over bathroom 2nd bedroom leaks with resultant mould growth.
 - e) Fire alarm damaged by plumber.
 - f) Loose wiring at front of property.
19. The Tenant complains of delays by the Landlord in carrying out essential repairs (saniflow not working for 2 – 3 months. No hot water for 6-7 months).
20. Some black and white photographs are included in what appears to be text correspondence with the Landlord.

The Tribunal's Deliberations

21. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
22. 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 (or any dispute between them) of the Tenant or Landlord are not relevant to this issue.
23. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at C which expired on the 1st of May 2022. The legal minimum standard for letting a property is rating E.
24. 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.
25. 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 **£820.00 pcm.**

26. The Tribunal looked at the photographs of the damp produced by the Tenant, which were of poor quality, and were inconclusive evidence of the source of any damp.
27. The Tribunal, after careful consideration of the current market conditions and the apparent condition, as submitted by the parties, of the subject property that no deductions should be made in respect of disrepair, other defect or other factor.
28. Accordingly, the Tribunal determined that the market rent for the subject property is **£820.00 pcm.**
29. The rent will take effect from 8th July 2022 being the date specified by the landlord in the notice of increase.

Relevant Law

30. Sections 13 and 14 of the Housing Act 1988.
31. 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.