



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

Case Reference : **CHI/00HD/MNR/2022/0085**

Property : **2 Hanham Mills, Bristol BS15 3NU**

Applicant : **Mr P Dowling and Ms K Wright
(Tenants)**

Respondent : **Mr S Hoskins (Landlord) c/o Moorfields
Estate Agents**

Date of Application : **25th July 2022**

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

Tribunal : **Mr R T Brown FRICS Chairman
Mr C Davies FRICS ACI Arb
Mr P Smith BSc FRICS**

Date : **8th September 2022**

REASONS FOR DECISION

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 8th September 2022 that the rent will be **£1,160.00 per calendar month (pcm)** with effect from 27th August 2022.
2. By an application dated 25th July 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 8th July 2022 proposed a rent of **£1,300.00 pcm** with effect from 27th August 2022, in place of the current rent of £1,060.00 pcm.
4. The tenancy is an assured shorthold. There is no tenancy agreement provided but the Tribunal is told the tenancy commenced in July 2008. 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 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 on the banks of the River Avon to the south east of Bristol City Centre.
8. The property comprises a double glazed centrally heated terrace house.
9. The accommodation comprises: Living Room, kitchen/diner, bathroom, 3 bedrooms and attic bedroom. Outside: Patio, garden and parking.
10. The property is let unfurnished without floor coverings, curtains or white goods.
11. The Tribunal assumed that all mains services are connected.

Documents supplied to and considered by the Tribunal

12. Tribunal Directions.
13. Landlord: Tribunal Reply Form.
14. Tenant: Application Reply Forms, Notice of Increase and Tenancy Agreement.

Landlord's Representations (summarised):

15. The Landlord's agent says in the Reply Form and attachments:
 - a) There are 2 popular pubs/restaurants.
 - b) Ideal riverside location.

- c) The property has flooded in the past but there is now a more localised control system designed to prevent further flooding.
- d) Undated photographs are attached.
- e) Extract from the 2010 auction particulars describing the property as 4 bedrooms.

16. As to rental value the agent says it assesses the rental at £1,500.00 plus pcm. There are no direct comparables but 4 bedroom terrace houses are going for £1,350.00 to £1,500.00 pcm. On the open market this property would achieve more than the Landlord's proposed £1,350.00 pcm.

Tenant's Representations (summarised)

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

- a) A floor plan and undated photograph of the 4th bedroom.
- b) The Tenants replaced the log burner, provided all kitchen white goods.
- c) In the second floor built stud wall and window to create 4th bedroom.
- d) Undated photographs showing: poor plaster work, black mould, pipework under sink, dilapidated kitchen units.
- e) Photographs of floods in 2019, 2020 and 2021.
- f) Photographs of current kitchen. Bathroom refurbished by Tenants during lockdown.
- g) Disrepair includes: Window seals need painting, Damaged plaster from roof leak, Bathroom has leaks.
- h) After the 2013 flood Tenants replaced all white goods.
- i) Nearest bus stop 25 minute walk, station 20 minute car ride and electric scooters 25 minute walk.
- j) During the 14 years in the property the Tenants have carried out repairs and maintenance including (with council approval) removing 3 trees.

18. The Tenants believe that a fair increase would be to £1,160.00 pcm.

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 did not have a certificate. 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 of E or above would be **£1,300.00 pcm.**

24. The Tribunal, after careful consideration of the current market conditions and the apparent condition (as submitted by the parties) of the subject property determined to make deductions in respect of issues identified:

- a) General disrepair (damp plaster etc): £50.00
- b) Lack of floor coverings, curtains and white goods: £60.00
- c) Works undertaken by Tenant (General maintenance and bathroom refurbishment): £20.00
- d) Flood risk: £10.00

Total deduction £140.00 pcm

25. Accordingly, the Tribunal determined that the market rent for the subject property is **£1,160.00 pcm.**

26. The rent will take effect from 27th August 2022 being the date specified by the landlord in the notice of increase.

Relevant Law

- 27. Sections 13 and 14 of the Housing Act 1988.
- 28. 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.