



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

Case Reference : **CHI/00HB/MNR/2022/0126**

Property : **5 Edward Street, Bristol BS5 6LW**

Applicant : **P S Sanchez and N Alves
(Tenants)**

Respondent : **S Wong (Landlord) C/o Ocean Letting and
Management**

Date of Application : **25th October 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 J Reichel BSc MRICS**

Date : **19th December 2022**

REASONS FOR DECISION

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Background

1. The Tribunal gave formal notice of its decision by a Notice dated 19th December 2022 that the rent will be **£1,100.00 per calendar month (pcm)** with effect from 5th December 2022.
2. By an application dated 25th October 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 14th October 2022 proposed a rent of **£1,100.00 pcm** with effect from 5th December 2022, in place of the current rent of £925.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement is in common form and is dated 5th July 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 2nd November 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 an established residential area of mixed dwellings. Bristol city centre and local amenities are readily available.
8. The property comprises a mid terrace house with gas central heating and double glazing.
9. The accommodation comprises: Living Room, kitchen, small w.c. under stairs. Bathroom/w.c. and 2 bedrooms. Outside: rear garden.
10. The property is let unfurnished with floor coverings, fridge, cooker and washing machine.
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 and attachment.
14. Tenant: Application Reply Forms, Notice of Increase and Tenancy Agreement.

Landlord's agents Representations (summarised):

15. The Landlord says in the Reply Form and attachments:
 - a) Floor in hallway replaced 2022.

- b) New washing machine 2022.
- c) The Tenant advised they had issues on 18th October 2022 but, despite requesting more information as at 8th November 2022, no issues had been reported.
- d) Kitchen and bathroom fittings are roughly 5 years old.

16. As to rental value the agent provides a Rightmove report identifying various properties within 0.5 miles of the subject property at rents between £1,095.00 and £1,400.00 pcm. The increase proposed is below others in the area.

Tenant's Representations (summarised)

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

- a) Rotten floor replaced in 2022.
- b) Washing machine replaced in 2022.
- c) Issues (including: external decoration, window, blocked drain, bathroom tiles loose and plaster cracks all over the house) have been reported to the agent but no work has been carried out.
- d) Undated photographs included: Repaired bathroom tiles, mould and plaster cracks, damaged window.

18. As to the proposed rent, the Tenants say other properties in the area may have a higher rent *'but are houses in very good condition inside and outside, and probably without issues'*.

19. A selection of properties advertised on Rightmove, Gumtree and Zoopla is presented at rents for 2 bedroom properties from £895.00 to £1,000.00 and 3 bedroom properties from £1,095.00 to £1,295.00 pcm.

The Tribunal's Deliberations

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

21. 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.

22. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at C and expiring on 1st July 2029. The legal minimum standard for letting a property is rating E.

23. 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.

24. 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.**

25. 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 (as identified by the tenant) : £100.00
26. Accordingly, the Tribunal determined that the market rent for the subject property is **£1,100.00 pcm.**
27. The rent will take effect from 5th December 2022 being the date specified by the landlord in the notice of increase.

Relevant Law

28. Sections 13 and 14 of the Housing Act 1988.
29. 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.