



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

**Case Reference** : **CHI/00HA/F77/2023/0048**

**Property** : **5 Dryleaze  
Keynsham  
Bristol  
BS31 2DA**

**Applicant Landlord** : **Northumberland & Durham Property  
Trust Limited**

**Representative** : **Grainger Plc**

**Respondent Tenant** : **Mr P R Graham**

**Representative** : **None**

**Type of Application** : **Rent Act 1977 (“the Act”) Determination  
by the First-Tier Tribunal of the fair rent  
of a property following an objection to  
the rent registered by the Rent Officer.**

**Tribunal Members** : **Mr I R Perry FRICS  
Mr S J Hodges FRICS  
Mr J S Reichel MRICS**

**Date of Inspection** : **None. Determined on the papers**

**Date of Decision** : **9<sup>th</sup> October 2023**

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**DECISION**

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## **Summary of Decision**

On 9th October 2023 the Tribunal determined a fair rent of £910 per month with effect from 9<sup>th</sup> October 2023.

## **Background**

1. On 18<sup>th</sup> May 2023 the Landlord's Agent applied to the Rent Officer for registration of a fair rent of £864 per month.
2. The rent was previously registered on the 16<sup>th</sup> August 2021 at £720 per month with effect from 16<sup>th</sup> August 2021 following a determination by the First-Tier Tribunal Property Chamber.
3. The rent was registered by the Rent Officer on the 3<sup>rd</sup> July 2023 at a figure of £819 per month with effect from the 16<sup>th</sup> August 2023.
4. By an email dated 4<sup>th</sup> August 2023 the Landlord's Agent objected to the rent determined by the Rent Officer and the matter was referred to the First Tier Tribunal Property Chamber (Residential Property) formerly a Rent Assessment Committee.
5. The Tribunal does not consider it necessary and proportionate in cases of this nature to undertake inspections or hold Tribunal hearings unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.
6. The Tribunal office issued directions on 5<sup>th</sup> September 2023 which informed the parties that the Tribunal intended to determine the rent on the basis of written representations subject to the parties requesting an oral hearing. No request was made by the parties for a hearing.
7. Both parties were invited to include photographs and video within their representations if they so wished and were informed that the Tribunal might also consider information about the property available on the internet.
8. Representations were made by the Landlord which were copied to the Tenant, but no representation was made by the Tenant.

## **The Property**

9. From the information provided and available on the internet the property can be described as a semi-detached house built between 1914 and 1945 situated within a cul-de-sac of similar properties less than 1 mile from the centre of Keynsham, close to a railway line and the Keynsham By-Pass.
10. The front elevation is rendered and the roof is tiled. The accommodation includes 2 Living Rooms, Kitchen and Store at ground level, with 3

Bedrooms and a Bathroom with WC at first floor level. Outside there are modest Gardens to front and rear but no off-street parking.

11. Original windows have been replaced by the Landlord with modern double-glazed units.
12. The Energy Performance Rating for the property is 'E'.

### **Evidence and Representations**

13. The Tenancy commenced on 1<sup>st</sup> January 1957
14. The Rent Officer had assessed an open market rent of £1,400 per month and then made several deductions including an allowance for the absence of central heating, noting that the Tenant had installed heating at his own cost. The Tenant also installed the kitchen and bathroom fittings.
15. The Landlord provided details of properties available to rent in the area with asking rents of £1,450 per month and suggests that an open market rent for the Property should be £1,450 per month subject to deductions for various shortcomings in the Property including unmodernised kitchen and bathroom, tenant's provision of white goods, carpets and curtains, tenant's responsibility for internal decorations, good external repair and lack of off-street parking.
16. The Landlord's submission included a number of helpful photographs which showed well-maintained external elevations and gardens.
17. The Tribunal had regard to the observations and comments by the parties and also relied on its own knowledge and experience of local rental values in determining the rent.

### **The Law**

18. When determining a fair rent the Tribunal, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.
19. In *Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Committee* [1999] QB 92 the Court of Appeal emphasised
  - (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and

- (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).
20. The Tribunal also has to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 where applicable. Most objections and determinations of registered rents are now subject to the Order, which limits the amount of rent that can be charged by linking increases to the Retail Price Index. It is the duty of the Property Tribunal to arrive at a fair rent under section 70 of the Act but in addition to calculate the maximum fair rent which can be registered according to the rules of the Order. If that maximum rent is below the fair rent calculated as above, then that (maximum) sum must be registered as the fair rent for the subject property.

### Valuation

21. The Tribunal first considered whether it felt able to reasonably and fairly decide this case based on the papers submitted only, with no oral hearing. Having read and considered the papers it decided that it could do so.
22. In the first instance the Tribunal determined what rent the Landlord could reasonably be expected to obtain for the property in the open market if it were let today in the good condition 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 in the area of Bristol, Bath and Avon. Having done so it concluded that such a likely market rent would be £1,350 per calendar month.
23. However, the property was not let in a condition considered usual for a modern letting at a market rent. Therefore, it was first necessary to adjust that hypothetical rent of £1,350 per calendar month particularly to reflect the Tenant's improvements, the fact that the carpets, curtains and white goods were all provided by the Tenant and the Tenant's responsibility for internal decoration which would not be the case for an open market assured shorthold tenancy.
24. The Tribunal therefore considered that this required a total deduction of £440 per month made up as follows:

Tenant's provision of carpets and curtains	£50
Tenant's provision of white goods	£40
Tenant's liability for internal decoration	£50
Tenant's provision of bathroom fittings	£50
Tenant's provision of kitchen fittings	£100
Tenant's provision of central heating	£150
TOTAL per month	<hr/> £440

25. The Tribunal did not consider that there was any substantial scarcity element in the area of Bristol, Bath and Avon.

### **Decision**

26. Having made the adjustments indicated above the fair rent determined by the Tribunal for the purpose of section 70 of the Rent Act 1977 was accordingly £910 per calendar month.
27. The Section 70 Fair Rent determined by the Tribunal is below the maximum fair rent of £918.50 permitted by the Rent Acts (Maximum Fair Rent) Order 1999 details of which are shown on the rear of the Decision Notice and accordingly that rent limit has no effect.

**Accordingly, the sum of £910 per month will be registered as the fair rent with effect from the 9<sup>th</sup> October 2023 being the date of the Tribunal's decision.**

### **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) to the First-tier Tribunal at the Regional office which has been dealing with the case.
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.