



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

Case Reference : **CHI/00HB/MNR/2021/0021**

Property : **23 Whittock Road, Bristol BS14 8DH**

Applicant : **Mr D and Mrs D Jadav
(Tenants)**

Respondent : **Mr M Delfan (Landlord)**

Date of Application : **Received 26th February 2021**

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

Tribunal : **Mr R T Brown FRICS Chairman
Ms C D Barton BSc MRICS
Mr S Hodges FRICS**

Date : **29th April 2021**

REASONS FOR DECISION

Background

1. The Tribunal gave formal notice of its decision by a Notice dated 29th April 2021 in the sum of **£950.00 per calendar month (pcm)**.
2. By an application received on 26th February 2021, 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 21st January 2021 proposed a rent of **£950.00 pcm**, with effect from 1st March 2021, in place of the current rent of 750.00 pcm.
4. The tenancy is an assured shorthold tenancy. The tenancy agreement for a term of 12 months is dated the 1st November 2014 and commenced on the same date. The tenancy is in the standard form for this type of tenancy and 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 18th March 2021 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 mature residential district to the South East of Bristol City centre.
8. The property comprises a centrally heated double glazed semi-detached house.
9. The accommodation comprises: 1 reception room, kitchen/diner, conservatory, 2 bedrooms, loft room and bathroom. Outside: garden and off street parking.
10. Carpets curtains and white goods are included in the tenancy.
11. No specific information was provided to the Tribunal with regard to the supply of utilities. In the absence of any other information the Tribunal has assumed that mains, water, gas and electricity to be connected.

Hearing

12. A hearing was not requested.

Documents supplied to and considered by the Tribunal

13. Tribunal Directions dated 18th March 2021.
14. Landlord: Tribunal Reply Form and representations.
15. Tenant: Application and Reply Form. 3 photographs.

16. Tenancy Agreement.

Landlord's Representations

17. The Landlord says in the in his statement, Reply Form and witness statement (summarised):
18. The property was originally let on a furnished basis including also carpets curtains, white goods. The washing machine has been replaced by the tenant.
19. During the Tenancy the following works have been undertaken: External decoration (2017), double glazing and front door, replacement condensing boiler (2018), garden fencing, landscaping, external decoration and repairs to conservatory (2020).
20. The property has good rail links from Keynsham station (3 miles away). Local amenities include shops, library, primary school and medical centre within walking distance.
21. The rent has not been increased since 2014. In support of the figure of £950.00 pcm recent listings on Rightmove show similar properties available on an unfurnished basis all within 2 miles of Whittock Road:

Beryl Grove: £1,250.00 pcm. 2 Bedroom property but no loft room, shed or conservatory.
Pendennis Park: £995.00 pcm. 2 bedroom property, not semi-detached, no off street parking or wrap around garden.
Wells Road 950.00 pcm. No separate living space, small gardens, no conservatory or loft room, part furnished.
22. The issue relating to black mould is due to life style. A condensing tumble dryer has been provided and advice regarding drying clothes inside and ventilation has been given.

Tenant's Representations

23. In the Reply Form the tenant states that:
24. In the seven years they have been resident no repairs or decorations have been undertaken.
25. There is mould and the Landlord supplied a can of 'mould spray' but no paint.
26. The white goods have been replaced by the tenant.
27. The ceiling in the bathroom and kitchen has been leaking for the last two years and despite requests to the Landlord this has not been addressed. Leaking water causes the fuses to 'blow'.
28. The boiler was replaced by the landlord but only after a wait of six weeks.

29. There are no smoke alarms in the property and despite requests no safety checks have been carried out.
30. The property is poorly managed.
31. The photographs show evidence of damp around the kitchen ceiling and the bathroom ceiling around the air vent. They also indicate the poor state of decoration.

The Tribunal's Deliberations

32. The Tribunal may proceed to determine the rent at which it considers the subject property might reasonably be expected to let on the open market by a willing landlord under an assured tenancy.
33. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
34. 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.
35. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate expiring on 6th October 2021 with a Rating of E. This is the minimum level to allow legal letting of a property. The Tribunal noted that this assessment was made before the installation of double glazing and new combination central heating boiler in 2018.
36. 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. The subject property appears to the Tribunal to be in satisfactory condition and would prove attractive if offered on the market at the present time.
37. It was not clear to the Tribunal, no inventory being attached to the tenancy agreement, what furnishings (other than those mentioned) are included in the Tenancy. However no evidence has been presented to demonstrate that in the 7 years of the tenancy any white goods have been updated.
38. The Tribunal considered the rental evidence supplied by the Landlord.
39. The Tenant provided no rental evidence in support of their application.
40. The Tribunal, after careful consideration of the current market conditions and assuming a condition suitable for letting concluded that a property of this type would achieve a rent of £1,000.00 pcm. Taking into account the dated white goods, carpets and the apparent condition of the subject property, the Tribunal determine that the market rent is **£950.00 pcm.**

41. The rent will take effect from 1st March 2021 being the date specified by the landlord in the notice of increase.

Relevant Law

42. Sections 13 and 14 of the Housing Act 1988.
43. 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