



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

**Case Reference** : **CHI/00HD/MNR/2021/0093**

**Property** : **Room 4, 165 Hornbeam Close, Bristol,  
BS32 8FE**

**Applicant** : **Mr M Evelyn (Tenant)**

**Respondent** : **LSL Ltd (Landlord) c/o Life-style  
Letting and Management**

**Date of Application** : **10th August 2021**

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

**Tribunal** : **Mr R T Brown FRICS Chairman  
Mr S Hodges FRICS  
Mr P Smith FRICS**

**Date** : **14th October 2021**

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**REASONS FOR DECISION**

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### ***Background***

1. The Tribunal gave formal notice of its decision by a Notice dated 14th October 2021 in the sum of **£665.00 per calendar month (pcm)**.
2. By an application received on 8th August 2021, the tenant 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 3rd August 2021 proposed a rent of **£695.00 pcm** with effect from 18th September 2021, in place of the current rent of £595.00 pcm.
4. The tenancy is an assured shorthold tenancy. No tenancy agreement was provided but the Tribunal is informed the tenancy commenced on 18th August 2018. 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 10th September 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 on a newly developed residential area to the North of Bristol City centre.
8. The property comprises a room in a modern centrally heated double glazed house comprising 5 *the tenant says* 6 letting rooms and shared facilities which include: kitchen/diner, utility room, communal bathroom and WC. Outside: garden, garage (shared storage) and off street parking for 2 cars.
9. The accommodation comprises an en-suite bed sitting room with shared facilities for cooking and washing (washing machine, cooker and fridge).
10. Carpets and curtains are included and the common areas are furnished. The kitchen is fully fitted with white goods and crockery cutlery etc.
11. The room rent includes council tax, gas, water, electricity and broadband.
12. The Tribunal is informed that all mains services are connected.

### ***Hearing***

13. A hearing was not requested.

### ***Documents supplied to and considered by the Tribunal***

14. Tribunal Directions dated 10th September 2021.
15. Landlord: Reply Form.

16. Tenant: Application Form, Notice of Increase, Tenancy Heads of Terms, Reply Form and photographs.

***Landlord's Representations (summarised):***

17. The Landlord says:
- a) Room 4 is en-suite.
  - b) Crockery, pots, pans and cutlery are provided. There is a freezer, ironing board and Hoover.
  - c) Gardeners attend monthly (April to November).
  - d) Cleaners (communal areas) once or twice per month.
  - e) Landlord pays Council Tax, Energy, Water, TV licence, Cleaners and Gardeners.
  - f) The house is in good repair and fairly new. There are 5 occupants sharing the property.
  - g) The ingoing check in is attached with photos.
  - h) The property is well located close to Tesco and Retail Centre. Minutes from the M4/M5/M32 and Network rail.
  - i) There has been no increase in rent since 18/08/2018.
  - j) The Landlord maintains the property and accepts fair wear and tear.
  - k) Room Values are now higher and details of rents from £675.00 to £725.00 pcm are attached.

***Tenant's Representations (summarised)***

18. In the Application and Reply Form the tenant says:
- a) He has repaired the curtain rails, walls plugs. Removed abandoned items from previous Tenant.
  - b) Removed insect nests from common areas that should have been cleaned by the Landlord.
  - c) The dishwasher supplied 2 years ago has never worked.
  - d) Photographs (undated) show: Dirt on skirting boards and underneath units, a blocked sink and dirty dishwasher.
  - e) The communal areas are not regularly cleaned.
  - d) The kitchen sink is constantly blocked (Currently blocked for 2 weeks).

- e) Despite requests the aerial in the Tenant's room has been broken since 2018.
- f) The roof of the garden seating area has collapsed.
- g) The Tenant's mattress which was stored in the garage was damaged by the Landlord's agent.
- h) Only 2 parking spaces are provided and this is inadequate for the property.
- i) Stoke Gifford Station is 2 -3 miles away and Patchway is about 2 miles (but undesirable as it is poorly lit and rundown).
- j) Southmead Hospital is 4/5 miles away.
- k) Local gyms are run down and there is no local social life. a taxi to the city centre costs £30.00 to £40.00.
- l) 6-7 people sharing the house is excessive.
- m) Other 'rooms in house shares' in the locality range from £500.00 to £620.00 per person per month. The tenant suggests £550.00 to £575.00 is a fairer figure.

### ***The Tribunal's Deliberations***

19. 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 Tribunal does not take into consideration the personal circumstances of the Landlord or Tenant in making its determination (including issues between Landlord and Tenant which do not affect the rental value of the property itself).
20. The Tribunal found as a matter of fact that the notice of rent increase was a Notice under section 13 as prescribed by Statute.
21. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at C expiring on 27th June 2031. 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 (a room in a shared house) 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. The Tribunal noted the parties comments on the comparables and the accommodation provided. Having done so, it concluded that a likely market rent for a similar modernised property in fair condition with central heating,

modern bathroom and kitchen facilities, floor coverings, curtains, all white goods and an EPC Rating above F would be **£700.00 pcm.**

24. The Tribunal, after careful consideration of the current market conditions and the apparent condition of the subject property concluded that a deduction from this figure was appropriate to reflect:

a) Lack on cleanliness to common areas and the issues identified by the Tenant: £35.00 pcm

25. Accordingly the Tribunal determined that the market rent for the subject property is **£665.00 pcm.**

26. The rent will take effect from 18th September 2021 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](mailto: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.