



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

**Case reference** : **LON/00BJ/MNR/2019/0052**

**Property** : **47c Ramsden Road, London,  
SW12 8RA**

**Applicant** : **Mr J Redfern (Tenant)**

**Representative** : **A-Z Law, Solicitors**

**Respondent** : **Wandle Housing Association  
Limited**

**Representative** : **None**

**Type of application** : **Decision in relation to section 13 of  
the Housing Act 1988**

**Tribunal member(s)** : **Mr P Casey MRICS  
Mr C Piarroux**

**Venue** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **17 May 2019**

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**DECISION**

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**Decision:**

The Tribunal does not have jurisdiction to determine this application for the reasons stated below.

**Background:**

1. The tribunal received an application under section 13(4) of the Housing Act 1988 on 2 April 2019.
2. On 11 April 2019 the tribunal wrote to the parties to say that the tribunal's preliminary opinion was that it may not have jurisdiction to determine the application because it had not been received in the tribunal's office before the date the new rent specified in the notice of increase was due to take effect. The letter went on to say that it considered the preliminary jurisdiction issue was suitable for determination on the basis of written representations which it invited the parties to make. It also offered an oral hearing should either party request one but neither did. Written representations have been received from A-Z Law, Solicitors, on behalf of the tenant but nothing from the landlord.

**The law:**

3. Where a party wishes to refer a notice proposing a new rent given by the landlord on form 4 under the provisions of S13(2) of the Housing Act 1988 the reference must be received by the tribunal before the date on which the rent increase takes effect as provided for by S13(4) of the Act.

**Facts found:**

4. A form 4 notice of increase dated 28 February 2019 was served on the tenant proposing a rent increase from 1<sup>st</sup> April 2019. The notice referring the matter to the tribunal is dated 1<sup>st</sup> April 2019 but was not received by the tribunal until 2 April 2019. The tenant representative, A-Z Law, Solicitors, sent a letter to the tribunal on 17 April 2019 in response to the invitation to make written submissions. In the letter it is alleged that the delay in referring the notice of rent increase to the tribunal was due to the landlord deliberately misleading and confusing the tenant and copies of e-mail correspondence between the tenant, A-Z Law and Wandle Housing Association were enclosed in support of that claim. If the tribunal had no jurisdiction, they said it would be "a miscarriage of the appeal process and unfair justice".

**Reasons for the decision:**

5. In order to be valid an application must be received by the tribunal before the rent increase is due to take effect. A-Z Law's letter accompanying the application form referring the rent increase to the tribunal and also dated 1<sup>st</sup> April 2019 apologised for the application being sent on the day the increase was due to take effect. This was not received by the tribunal until the following day. The notice was received after the date on which the rent increase was to take effect and is therefore out of time. The tribunal therefore has no jurisdiction. The tribunal has no discretion to vary the time limit.

**Name:** P Casey MRICS

**Date:** 22 May 2019

## **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).