



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

Case reference : **LON/00AE/MNR/2019/0100**

Property : **8 Victoria Mews, London NW6 6SY**

Applicant : **Mr. J. Drewett**

Representative : **In person.**

Respondent : **Bradford Property Trust Limited**

Representative : **Grainger Plc**

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

Tribunal member(s) : **Ms. A. Hamilton-Farey LLB, FRICS,
Ms. J. Dalal**

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

Date of decision : **11 October 2019**

DECISION

Decision:

The Tribunal determines that it does not have jurisdiction to determine the market rent under S.14 of the Housing Act 1988 in relation to this application, for the reasons stated below.

Background:

1. From the papers provided it appears that the applicant Mr. Drewett, succeeded to a tenancy originally granted to either both of his parents or his father. It is not clear which. No issue has been taken with respect to the terms of the tenancy, and the tenant has previously applied to this tribunal under S.13 of the Housing Act 1988 for a determination of the market rent payable.
2. In this instance, the landlord served a Notice under S.13 to increase the rent with effect from 1 September 2019 and recorded on that Notice that the existing rent was £1,416.40 and would increase from that date to £1,458.33.
3. The tenant, Mr. Drewett, referred that Notice to the Tribunal on 5 August 2019. The tribunal issued directions on 12 August that required the parties to submit details of any rents for similar properties together with a statement of case.
4. Mr. Drewett wrote to the tribunal to explain that the property had been a shell when the original tenancy was granted in 1973, and by agreement with the then landlord fitting out works were undertaken to make what had been a storage unit into the current property.
5. Mr. Drewett confirmed that since that time he had carried out redecoration of door and window frames. He also raised the issue in his representations that the rent identified on the Notice of Increase was not the rent passing and that he paid a lower amount. He produced evidence of his rental payments that showed he was actually paying £858.33 per month.
6. Mr. Drewett requested an oral hearing at which his Mother and a friend attended on his behalf. However, prior to the start of the hearing, the tribunal received correspondence from the landlord to say that they had identified an error in the Notice (presumably the incorrect rent noted), and they had withdrawn the Notice and served another to replace it.
7. The Notice of Increase having been withdrawn, the tribunal has no continuing jurisdiction to determine this matter and must therefore close its files. We will take no further action in relation to this application.

8. The tribunal did explain to Mr. Drewett's mother that, if Mr. Drewett wished to dispute the new Notice of Increase then a referral of that Notice to the tribunal would be required.

Name: Aileen Hamilton-Farey **Date:** 11 October 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).

