



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

Case Reference : **MAN/00CM/MNR/2019/0067**

Property : **41 Fairhaven Court, Lugsdale Road,
Widnes, Cheshire WA8 6DA**

Landlord : **Pentecostal Residents Charity**

Representative : **N/A**

Tenant : **John Hopwood**

Representative : **N/A**

Type of Application : **Determination of rent under section
14 of the Housing Act 1988**

Tribunal Members : **Judge C Green
Mr K Kasambara**

**Date and venue of
Hearing** : **Determination on the papers**

Date of Decision : **20 November 2019**

REASONS FOR DECISION

DECISION

The application for determination of a new rent is struck out for want of jurisdiction.

REASONS

Background

1. The Property is held on a an assured periodic tenancy under the Housing Act 1988 under the terms of a written tenancy agreement made in December 2016 by which the management committee of the Pentecostal Residents Charity granted a weekly periodic tenancy to John Hopwood at a rent of £115.11 per week payable on the Tuesday of each week.
2. By a notice to the tenant dated 16 August 2019 the landlord proposed a new rent for the Property of £169.34 per week with effect from Monday 16 September 2019.
3. On 29 August 2019, the tenant referred the landlord's notice to the Tribunal under section 13(4) of the Housing Act 1988. The tenant's application was in the prescribed form and was made before the date specified in the landlord's notice for the start of the proposed new rent.

Law

5. Where a tenant has referred a valid landlord's notice to the Tribunal under section 13 of the Housing Act 1988, section 14 of that Act requires the Tribunal to determine the rent at which it considers that the property might reasonably be expected to be let on the open market by a willing landlord under an assured tenancy.

Validity of the landlord's notice

6. Although neither party has challenged the Tribunal's jurisdiction to determine the rent for the Property under section 14 of the 1988 Act, the Tribunal must first determine that the landlord's notice under section 13(2) of the 1988 Act satisfied the requirements of that section and was validly served. Those requirements are that the notice was given in the prescribed form and was accompanied by the relevant guidance notes, that it gave at least one month's notice of the proposed increase, and that it must specify a starting date for the proposed new rent which coincides with the beginning of a period of the tenancy.
14. According to the tenant's letter to the Tribunal of 10 October 2019, no guidance notes were attached to the notice. In addition, the date of commencement for the new rent does not coincide with the beginning of a period of the tenancy, which would appear to run from the Tuesday of each week, the date on which rent is payable.

15. Such matters were brought to the attention of the parties by a letter from the Tribunal dated 28 October 2019 in which they were invited to make any written submissions on the point by 11 November. There has been no response from either party.
16. Therefore, it falls to the Tribunal to determine the point The Tribunal finds that the landlord's notice was not accompanied by any guidance notes and failed to specify a valid date for the commencement of the new rent. It follows that the landlord's notice of increase was invalid and ineffective for the purpose of increasing the rent under the tenancy and that the Tribunal has no jurisdiction to determine the tenant's application, which is struck out in accordance with rule 9(2)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.