



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

Case Reference : **LON/00AJ/MNR/2019/0095**

Property : **36 Manor Road, London W13 0JA**

Landlord : **Capital Housing Associates Limited**

Representatives : **N/A**

Tenant : **Miss Mary O'Connor**

Representative : **In person**

Type of Application : **Determination as to validity of
Notice of Increase under section
13(2) of the Housing Act 1988**

Tribunal Members : **Judge W Hansen (chairman)
Mrs Alison Flynn MA MRICS**

**Date and venue of
Meeting** : **19 September 2019 at 10 Alfred
Place, London WC1E 7LR**

Date of Decision : **19 September 2019**

DECISION

Determination

The Tribunal determines that the Notice of Increase dated 17 June 2019 served by the landlord under s.13(2) of the Housing Act 1988 is invalid and of no effect and that the increase in the rent proposed in that notice has therefore not taken effect and rent continues to be payable at the existing rate of £1310 per month.

Background

1. The tenant is an assured shorthold tenant. Her original tenancy was for a term certain of 12 months commencing on 3 October 2014 and expiring on 2 October 2015. She has remained in possession thereafter on the same terms and conditions as a periodic assured shorthold tenant. The rent is payable monthly on 3rd day of each month.
2. On 17 June 2019 the landlord served a notice of increase under s.13(2) of the Housing Act 1988 (“the Notice”) proposing an increase in the rent from £1310 per month to £1395 per month to take effect from 20 July 2019.
3. On 16 July 2019 the tenant referred the Notice to the Tribunal.
4. On or about 8 August 2019 the Tribunal wrote to both parties indicating that the Notice might be defective “*as it does not appear to take effect at the commencement of a new period of the tenancy*”.
5. The parties were invited to request an oral hearing and/or submit written representations addressing this point. In fact, no representations have been received from either party.

6. The Tribunal has therefore conducted a paper determination on the basis of the material it has.

7. Section 13(2) of the Housing Act 1988 provides as follows:

(2) For the purpose of securing an increase in the rent under a tenancy to which this section applies, the landlord may serve on the tenant a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy specified in the notice, being a period beginning not earlier than—

(a) the minimum period after the date of the service of the notice; and

(b) except in the case of a statutory periodic tenancy—

(i) in the case of an assured agricultural occupancy, the first anniversary of the date on which the first period of the tenancy began;

(ii) in any other case, on the date that falls 52 weeks after the date on which the first period of the tenancy began; and

(c) if the rent under the tenancy has previously been increased by virtue of a notice under this subsection or a determination under section 14 below—

(i) in the case of an assured agricultural occupancy, the first anniversary of the date on which the increased rent took effect;

(ii) in any other case, the appropriate date.

8. The relevant words are italicised above. The Notice proposes that the new rent should take effect from 20 July 2019 whereas it should have specified 3 August 2019, given the terms of the tenancy and the requirements of subsection (2) above. The Notice fails to comply with the statute and is therefore invalid and of no effect.

9. That is the determination of the tribunal. It follows that the tribunal has no jurisdiction to determine the rent. It also follows that the rent payable by the tenant continues to be payable at the existing rate.

Name: Judge W Hansen

Date: 19 September 2019