



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

Case reference : **FL/LON/OOAY/MNR/2019/0140**

Property : **13 Glenshaw Mansions, Brixton Road,
London SW9 0DS**

Applicant : **Mrs Vanessa Francis**

Representative : **N/a**

Respondent : **Parkside Property Investments Ltd**

Representative : **LCI Property Management Ltd**

Type of application : **Decision in relation to s.13(4) of the
Housing Act 1988**

Tribunal members : **Mr I B Holdsworth FRICS MCI Arb
Mr Alan Ring**

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

Date of decision : **19th December 2019**

DECISION

Decision

The tribunal does have jurisdiction to determine this application for the reasons stated below.

Background

- 1 On 29 October 2019 the tribunal received an application from the Tenant for determination of the rent for 13 Glenshaw Mansions, Brixton Road, London SW8 0DS ('**the Premises**') under s.13(4) of the Housing Act 1988 ('**the Act**').

- 2 The Landlord had served a s.13(2) Notice on the Tenant dated 27th August 2019 to increase the rent from £1000 per month to £1400 per month, effective from 1st November 2019.
- 3 The Landlord served a Form 4b on the tenant to notify them of the proposed rent increase. This form was reviewed by both the case officer and a procedural judge who subsequently considered it necessary for a tribunal to determine the validity of the Notice. A letter was sent to the parties dated 20th November 2019 which advised that the Notice may be defective, and the validity of the notice would be considered as a preliminary jurisdiction issue.
- 4 This letter asked the parties to submit any written representation on this matter prior to the 9th December. No written representation was received from the tenant. The landlord's representative explained in their representation dated 22nd November that the Form 4b used to issue the Notice of increase on the tenant was used by them for many years and in the prescribed form.
- 5 It is their contention that the tribunal has jurisdiction in this matter because the Notice served on the tenant is valid.

The Law

- 6 Section 13(1) of the 1998 Housing Act states:

“This section applies to:

- a) A statutory periodic tenancy...*
- b) Any other periodic tenancy which is an assured tenancy...*

*For the purposes 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...”*

Reasons for the Decision

- 7 Section 13(1) of the Housing Act 1988 requires a landlord to serve the notice to increase rent on the tenant **“in the prescribed form”**.
8. The prescribed forms are set out in a Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (the “Forms Regulations”);
 - a) The prescribed form for use by the landlord as Notice of the proposed rent increase is Form No.4;
 - b) Regulation 2 of the Forms Regulations specifically states that “any reference to a numbered form is a reference to the form bearing that number in the Schedule to these Regulations, or to **a form substantially to the same effect.**” (Emphasis added).

9. The tribunal has reviewed the Notice served on the tenant. The Landlord used a form referred to as “Form No 4b”. The presentation of the information on this form is not wholly consistent with alternative prescribed forms but the correct numbered form was used.
10. Perusal of the content of the Notice confirmed it satisfied the requirements of the condition a “***form substantially to the same effect.***” It contained all relevant information about the proposed rent increase required by the tenant.
11. In all the circumstances it would appear a valid Notice of rent increase was served on the tenant in accordance with section 13(1) of the Act. The tribunal has jurisdiction to determine the application made to review the rent increase under section 13(4) Act.
11. The tribunal will issue to the parties’ directions on submission of evidence, inspection and whether the application is to be decided by written representation or hearing no later than **10th January 2020.**

Name: Ian Holdsworth **Date:** 19th December 2019
Valuer Chairman

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).