



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

**Case Reference** : **MAN/30UE/MNR/2020/0002**

**Property** : **88 Westhead Road, Croston, Leyland  
PR26 9RS**

**Landlords** : **Landlord Advice UK**

**Tenant** : **Thomas Maudsley**

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

**Tribunal Members** : **Judge C Green  
John Faulkner FRICS**

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

**Date of Decision** : **3 December 2020**

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**REASONS FOR DECISION**

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## **DECISION**

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

## **REASONS**

### **Background**

1. The Property is held on an assured tenancy of which Landlord Advice UK is the landlord and Thomas Maudsley, the tenant.
2. By a notice to the tenant dated 7 November 2019, the landlord gave notice of an increase in rent for the Property from £800.00 per month to £1,200.00 per month, with effect from 1 January 2020.
3. On 31 December 2019, the tenant referred the landlord's notice to the Tribunal under section 13(4) of the Housing Act 1988. The tenants' application was in the prescribed form and was made before the date specified in the landlords' 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. In so doing the Tribunal is required, by section 14(1) of the Act, to ignore the effect on the rental value of the property of any relevant tenant's improvements as defined in section 14(2).

### **Jurisdiction**

6. 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, and that starting date is not earlier than 52 weeks after the date on which the rent was last increased using the statutory notice procedure. if no valid notice has been served, the Tribunal has no jurisdiction to consider the tenant's application for determination of a market rent and is obliged to strike out the application.
7. In a letter accompanying the application, the tenant, took issue with two matters. First, that his name in the notice had been misspelt as "Mawdesley". The Tribunal does not consider that this was misleading

in any way and the misspelling does not render the notice of increase invalid.

8. The second matter raised the tenant's letter was that the notice could not be served within the first 12 months of the tenancy. According to paragraph 4(a) of his application the tenancy began on 1 April 2019, and under paragraph 9, there is no written tenancy agreement. On the basis of that information, the tenant has an assured monthly periodic tenancy the first period of which began on 1 April 2019. Under s. 13(2)(b)(ii) of the 1988 Act, the proposed date of rental increase in such a case cannot be earlier than 52 weeks after the date on which the first period of the tenancy began. In the present case, 52 weeks after that date is 1 April 2020 but the landlord's notice of increase specifies 1 January 2020 as the date of increase, within the 52-week period.
9. The Tribunal wrote to the parties by a letter dated 6 October 2020, explaining the above jurisdiction issue, and inviting them to submit any representations within 14 days from the date of the letter. No response was received from either party.
10. For the reasons set out above, the Tribunal determines that the notice of increase was invalid and therefore it has no jurisdiction to determine the tenants' application, which is struck out pursuant to rule 9(2)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.