



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

**Case reference** : **LON/00AM/MDR/2021/0022**

**Property** : **27 Rosewood Building, Cremer Street,  
London, E2 8GX**

**Applicants** : **Ms Fifi Stacey Henry, Ms Jessica Lai &  
Ms Rebecca Woodley**

**Landlord** : **Vonder Uk Ltd**

**Type of application** : **Decision in relation to section 22(1) of  
the Housing Act 1988**

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

**Date of decision** : **5<sup>th</sup> April 2022**

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**DECISION**

The Tribunal does not have jurisdiction to determine this application for the reasons stated below

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This has been a determination on the papers which has been consented to/not objected to by the parties. A face-to-face hearing was not held, because all issues could be determined on paper and there was no request for a hearing. We considered various documents that are detailed in the Decision below. The order made is described at the end of these reasons. There was no objection from either party in proceeding in this manner.

### **Decision:**

The Tribunal does not have jurisdiction to determine this application for the reasons stated below.

### **Background and issues:**

1. The tribunal received an application under section 22 of the Housing Act 1988 (**'the Act'**) on 29<sup>th</sup> September 2021. The case was reviewed by the Tribunal and it was identified that the application referred to an assured shorthold tenancy which commenced on 16<sup>th</sup> January 2021.
2. The tribunal received on 2<sup>nd</sup> November 2021 an e mail from the Landlord which stated *“as Respondents in this application we have now amicably come to an agreement on the disputed terms with the applicant (tenants) and therefore the{y} now wish to discontinue the application.”*
3. The tribunal subsequently e mailed the parties seeking their confirmation that the application was withdrawn. No response to this request was received from either the applicants or respondents.

### **The law:**

4. The statutory provisions relating to the reference by a tenant of “excessive rents” to a Rent Tribunal for determination are contained in section 22 of the Act. The Act states that:
  - 1) *“The tenant under an assured shorthold tenancy may make an application in the prescribed form to the Rent Tribunal for a determination of the rent which in the Rent Tribunals opinion the landlord might be reasonably be expected to obtain under the assured shorthold tenancy*
  - 2) *No application may be made under this section if-*
    - (aa) *the tenancy is one to which section 19A applies and **more than 6 months have elapsed since the beginning of the tenancy**”*
5. By Section 19 A of the Act tenancies to which section 22 applies are defined as assured shorthold tenancies created after 28<sup>th</sup> February 1997
6. Rule 9(2)(a) of the Tribunal Procedure(First Tier) (Property Chamber) Rules 2013 will apply if the tribunal does not have jurisdiction in relation to the proceedings or any part of them. Should the tribunal not have jurisdiction then **they must strike out the whole or a part of the proceedings or case.**

### **Facts found:**

7. The tenant's assured shorthold tenancy agreement commenced on 16<sup>th</sup> January 2021. The application to tribunal is made on 29<sup>th</sup> September 2021.
8. The tenancy of the property commenced after the 28<sup>th</sup> February 1997.
9. The applicants failed to respond to the Directions of the tribunal in this matter. They were asked to corroborate the application withdrawal request made by the Landlord respondents which they failed to do.

### **Reasons for the decision:**

10. This assured shorthold tenancy created after 28<sup>th</sup> February 1997 is subject to section 19a of the Act. A tenant of an assured shorthold tenancy subject to section 19a of the Act may only make a valid application to tribunal to review excessive rent during the period six months from the commencement of the tenancy.
11. This application to tribunal is made on 29<sup>th</sup> September 2021 **some 9 months after the tenancy commenced and is out of time**. The statutory timetable for making a valid rent determination application to tribunal cannot be varied by tribunal.
12. The tribunal therefore has no jurisdiction to determine the rent.
13. The tribunal strike out the application.

**Name:** Ian Holdsworth      **Date:** 5<sup>th</sup> April 2022  
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 (ie, 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).