



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

Case Reference : **LON/00BK/MNR/2022/0029**

HMCTS Code (paper, video, audio) : **P: PAPERREMOTE**

Property : **Flat 2, 2 Hopkins Street, London W1F 0DP**

Tenant : **Mr. Oliver Adam and Ms. Marie Brennells, in person**

Landlord : **Dolphin Square Charitable Foundation, represented by Touchstone Corporate Property Services**

Type of Application : **Section 13 Housing Act 1988**

Tribunal Members : **Mr. Charles Norman FRICS**

Date of Decision : **4 May 2022**

DECISION

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

Covid-19 pandemic: description of hearing

This has been a remote determination on the papers which has been consented to by the parties. The form of remote determination was P:PAPERREMOTE. A face-to-face hearing was not held because no-one requested the same and all issues could be determined on paper. The documents that the Tribunal were referred to are in a bundle of approximately 30 pages, the contents of which have been noted.

REASONS

The Application

1. The Tribunal received an application from the Tenant, Mr Oliver Adam and Ms Marie Brennells dated 3 March 2022. The application was received by the Tribunal on 4 March 2022.
2. The application referred a Landlord's Notice of Increase in relation to Flat 2, 2 Hopkins Street, London W1F 0DP (the subject property). The Notice of Increase was dated 16 February 2022 and proposed to increase the rent of the subject property from £1546.18 per month to £1698.26 per month with effect from 1 April 2022.

The Law

3. Section 13(1) of the Housing Act 1988 provides as follows:

13 (1) This section applies to—

- (a) a statutory periodic tenancy other than one which, by virtue of paragraph 11 or paragraph 12 in Part I of Schedule 1 to this Act, cannot for the time being an assured tenancy; and
- (b) any other periodic tenancy which is an assured tenancy, other than one in relation to which there is a provision, for the time being binding on the tenant, under which the rent for a particular period of the tenancy will or may be greater than the rent for an earlier period.

Facts Found

4. The terms of the tenancy agreement state “the term of the tenancy is three years beginning at midday on 23 December 2020 ...”

Discussion and Reasons for the Decision

5. Section 13 confers jurisdiction of the tribunal only in respect of statutory periodic tenancies and other periodic tenancies which are assured tenancies.
6. The tribunal finds that the subject tenancy is a three-year fixed term tenancy. It therefore falls outside of the tribunal's jurisdiction under section 13 (1) of the act. Accordingly, the tribunal does not have jurisdiction to consider the application.

7. By virtue of rule 9(1)(a) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, where the tribunal lacks jurisdiction, it must strike out the case. Accordingly, the application is struck out.

Name: Mr. Charles Norman FRICS Date: 4 May 2022

ANNEX - 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. Any appeal in respect of the Housing Act 1988 should be on a point of law.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).