



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

Case Reference : LON/00AP/MNR/2022/0088

Property : Top Floor Flat, 63 Broad Lane, N15 4DJ

Applicant : David Gerardo Golia

Respondent : Dream Move Lettings Ltd

Type of Application : Rent appeal pursuant to s.14 Housing Act
: 1988

Tribunal Members : Judge Shepherd
: Sarah Phillips MRICS

Date of Determination : 9th August 2022

Determination

1. The Tribunal have decided that it does not have jurisdiction to deal with this appeal. The Tribunal's legal officer, wrote to both parties expressing concern about the jurisdiction issue. In particular she said that the notice of increase was potentially invalid because it was undated and unsigned and it did not give the required notice. The Respondent claimed the notice sent to the tenant

in May was merely a copy of a notice sent to the tenant in March. The tenant said that he had not received the notice in March and the notice had not been signed for. There is no deeming provision in the tenancy allowing service by post at the last known address (although there is one it is restricted to possession notices).

2. On a balance of probabilities, the Tribunal finds the notice was not received by the tenant until it was sent to him in May therefore the notice period was inadequate and the notice was undated and unsigned. S.13 of the Housing Act 1988 requires a notice of increase to be in the prescribed form. The Tribunal considers that an unsigned and undated notice is not in the prescribed form or of substantially the same effect. For these reasons the Tribunal does not have jurisdiction under Housing Act 1988, ss.13 and 14.

Judge Shepherd

9th August 2022

ANNEX - RIGHTS OF APPEAL Appealing against the tribunal's decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. 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.
4. The application for permission to appeal must state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers
5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.