



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

Case Reference : **CAM/38UC/MNR/2022/0082**

Property : **Flat 12 Lin-acre Court
Spring Lane
Headington
Oxford OX3 8LU**

Applicant : **Samantha Jane Holman (Tenant)**

Representative : **None**

Respondent : **Mrs Deborah Ross (Landlord)**

Representative : **None**

Type of Application : **Section 13(4) Housing Act 1988**

Tribunal Members : **N Martindale FRICS**

Date and venue of Hearing : **Cambridge County Court, 197 East Road, Cambridge CB1 1BA**

Date of Decision : **7 November 2022**

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application dated 30 September 2022 from the tenant of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).

- 2 The unsigned notice, dated 1 August 2022, proposed a new rent of £1200 per calendar month, with effect from and including 31 August 2022. The passing rent was £1000 per calendar month.

Decision

- 3 Notice under S.13(3) must be given by the landlord at least one calendar month before the effective date of the rent proposed. The landlord's notice period was shorter than a month as the effective start date was within the same calendar month.
- 4 As the notice of rent increase from the landlord was defective there was no new rent for the tenant to appeal, nor for the Tribunal to determine. The passing rent remains unchanged.
- 5 The Tribunal determines that it has no jurisdiction.

Name: Neil Martindale

Date: 7 November 2022

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).