



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

Case Reference : **LON/00BF/MNR/2022/0125**

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

Property : **72B Lenham Road, Sutton, Surrey, SM1 4BG**

Tenant : **Stefania Hanas-Alves and Edison Alves**

Landlord : **Mr Christopher Cole**

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

Tribunal Members : **Mr A Harris LLM FRICS FCI Arb**

Date and venue of Consideration : **22 March 2023 at 10 Alfred Place, London, WC1E 7LR**

Date of Decision : **22 March 2023**

DECISION

The Tribunal will not determine this application for the reasons stated below.

Covid-19 pandemic: description of hearing

This has been a remote hearing on the papers which has been consented to by the parties. The form of remote hearing was P:PAPERREMOTE. A face-to-face hearing was not held because one was not requested and all the issues could be dealt with on paper. The documents that the Tribunal were referred to are the application and

subsequent correspondence in an unstructured bundle, the contents of which have been noted.

REASONS

The Application

1. The Tribunal received an application from the Tenants, dated 27 July 2022. The application was received by the Tribunal on the same date.
2. The application referred a Landlord's Notice of Increase that was in relation to 72B Lenham Road, Sutton, Surrey, SM1 4BG (the subject property). The Notice of Increase was dated 30 June 2022 and proposed to increase the rent of the subject property from £1300 per month to £1400 per month with effect from 25 August 2022.
3. The Applicant tenant wrote to the tribunal on 1 February 2023 withdrawing the application as they no longer lived at the address. The Respondent landlord requested the tribunal continue with the case.

The Law

4. The tribunal gains its jurisdiction to deal with rent increases of assured periodic tenancies (eg week to week or month to month) from section 13(1) of the Housing Act 1988. (the Act)
5. Section 14 of the Act deals with applications to the tribunal. Section 14(8) of the Act reads (emphasis added)

Nothing in this section requires [the appropriate tribunal] to continue with their determination of a rent for a dwelling-house if the landlord and tenant give notice in writing that they no longer require such a determination or if the tenancy has come to an end.

Facts Found

6. The subject property was let to the tenants who have now vacated and there is no continuing tenancy. The landlord has relet at a higher rent.

Discussion and Reasons for the Decision

7. The application has been withdrawn as the tenancy has come to an end. S14(8) of the Act does not require the tribunal to continue with a determination in these circumstances. The tribunal will not determine a rent.
8. To continue with the case would not be a proportionate use of the tribunal resources.

Name: A Harris

Date: 22 March 2023

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).