



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

Case reference : LON/00AH/MNR/2023/0044

Property : Flat 3, 324 Holmesdale Rd, London
SE25 6PP

Applicant : Mr John Olufemi Lalemi

Representative : In person

Respondent : Mr Manjit Heer

Representative : Estate Management Services Limited

Type of application : Section 13 Housing act 1988

Tribunal member : Mr Charles Norman FRICS

Venue : 10 Alfred Place, London WC1E 7LR

Date of decision : 14 April 2023

DECISION

Decision:

1. The Tribunal does not have jurisdiction to determine this application for the reasons stated below.
2. The application is STRUCK OUT.

Background:

3. The Tribunal received an application from the tenant dated 9 February 2023. By a letter dated 20 January 2023 the landlord sought to increase the rent with effect from 13 March 2023. From the application documents it was apparent that a formal section 13 notice in the prescribed form had not been served on the tenant. On 8 March 2023 the Tribunal informed the parties that a Legal Officer had formed the preliminary view that the Tribunal lacked jurisdiction. Representations were invited from the parties and the matter set down for determination on the papers unless either party requested a hearing. Neither party responded further to the Tribunal.

The law:

The prescribed form of section 13 notice is set out at Form 4D of The Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 (“the Regulations”).

Facts found:

4. The notice served by the respondent does not comply with the prescribed form as set out in the Regulations, nor is it substantially to the same effect.

Reasons for the decision:

5. Accordingly, the notice of increase is invalid, and the Tribunal does not have jurisdiction to consider the notice of increase in rent. Accordingly, under rule 9(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the application must be struck out.

Name: Mr C Norman FRICS **Date:** 14 April 2023

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).