



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

Case reference : **LON/00BF/MNR/2023/0029**

HMCTS Hearing Code : **CVPREMOTE**

Property : **39 Prince of Wales Road, Sutton,
Surrey, SM1 3PE**

Applicant : **Ms Deidre Ruth Charles**

Representative : **In person**

Respondent : **Mr Andrew Bitmead**

Representative : **Ms Simmons**

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

Tribunal members : **Mr Charles Norman FRICS
Valuer Chairman
Mr Oliver Dowty MRICS**

Venue and Hearing Date : **10 Alfred Place, London WC1E 7LR
2 May 2023**

Date of decision : **2 May 2023**

DECISION

This has been a remote video hearing which has been consented to by the parties. The form of remote hearing was CVPREMOTE. A face-to-face hearing was not held because no-one requested the same, and all issues could be determined in a remote hearing. The documents to which the Tribunal were referred comprise approximately 25 pages, the contents of which have been noted.

Decision:

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

Background:

3. On 15 January 2023, the tribunal received an application under section 13 of the Housing Act 1988, dated 23 January 2023. A copy of the tenancy agreement was supplied.
4. The landlords' notice which took the form of an email, proposed an increase in rent commencing on 9 January 2023. The landlord's email was dated 5 January 2023.
5. On 23 February 2023, a Legal Officer caused a letter to be sent to the parties, expressing a preliminary opinion that the landlord's notice might be defective as it did not appear to be in the form prescribed by the Act.
6. The jurisdictional matter was directed to be determined on paper without a hearing, unless either party requested a hearing which the landlord did. Neither party made written representations dealing with the preliminary point.
7. The matter was heard by videoconferencing. The applicant appeared in person and the landlord was represented by Ms Simmons.

The law:

8. Section 13(2) states:

“For the purpose of securing an increase in rent under a tenancy to which this section applies, the landlord may serve on the tenant a notice in the **prescribed form...**” (emphasis added)

The prescribed form is Form 4 of the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003.

Facts found:

9. The email dated 5 January 2023 purporting to increase the rent was not in Form 4 and therefore invalid. That email cannot be used to increase the rent.

Disposal

10. As the notice is invalid, the Tribunal lacks jurisdiction to determine the matter further.
11. Where the Tribunal lacks jurisdiction it is required to strike out applications, pursuant to rule 9(2) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013.

Name: Mr C Norman FRICS **Date:** 2 May 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).