



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

**Case Reference** : **LON/00BB/MNR/2023/00195**

**Property** : **26 Roger Road  
London E16 1LW**

**Applicant** : **Mr A. Ahmed  
(Tenant)**

**Representative** : **None**

**Respondent** : **London Borough Newham  
(Landlord)**

**Representative** : **None**

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

**Tribunal Members** : **Mr. N Martindale FRICS**

**Date and venue of  
Hearing** : **10 Alfred Place London WC1E 7LR**

**Date of Decision** : **26 June 2023**

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**REASONS FOR DECISION**

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**Background**

- 1 The First Tier Tribunal received an application by email 31 March 2023 without the normal application form. The tenant/ applicant writes; *“I am writing to submit my application in reference to the notice proposing a new rent under an Assured Periodic Tenancy or Agricultural Occupancy, to the Tribunal. Please find enclosed the duly completed form along with a copy of my tenancy agreement and notice to increase rent.”*

- 2 The tenant enclosed a copy of his tenancy. The landlord is a local housing authority, London Borough Newham. Councils grant 'Secure Tenancies': They do not, cannot, issue an Assured Periodic Tenancy however.
- 3 *Housing Act 1988 Section 13: Increases of rent under assured periodic tenancies.*  
*(1) This section applies to—*  
*(a) a statutory periodic tenancy other than one which, by virtue of paragraph 11 or paragraph 12 in Part I of Schedule 1 to this Act, cannot for the time being be an assured tenancy; and*  
*(b) any other periodic tenancy which is an assured tenancy, other than one in relation to which there is a provision, for the time being binding on the tenant, under which the rent for a particular period of the tenancy will or may be greater than the rent for an earlier period.*
- 4 Unsurprisingly the notice of Rent Increase from the landlord does not comply with the requirements of S.13. It is not a valid notice under S.13, nor does it need to be, because the tenancy is not an assured periodic tenancy. It even refers to its being a "secure tenancy".

### **Decision**

- 5 Notice under S.13 must be given by the landlord in accord with S.13 Housing Act 1988 as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003; in the format of 'FORM 4'. However this only applies if the tenancy is one covered by the legislation. The tenancy appears to be a local housing authority which granted a "secure tenancy" and this is not covered by S.13.
- 6 Whilst there is no new rent for the tenant to appeal to this Tribunal about, the tenant should contact the landlord directly about the new rent that the landlord appears to have given notice of, under the Secure Tenancy referenced in that document produced by the tenant.
- 7 The Tribunal determines that it has no jurisdiction.

**Name: N. Martindale**

**Date: 26 June 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).