



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

Case Reference : **LON/00BE/MNR/2023/0260**

Property : **SF Double Room at
1 Beaulieu Close,
Champion Hill
London SE6 8BA**

Applicant : **Mr Ibrahim Adegbite
Ms Chantelle Rendle
(Tenants)**

Representative : **None**

Respondent : **Ms Hue Luc
Mr Quang Tho Luc
(Landlords)**

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 : **3 August 2023**

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application form dated 8 June 2023 from the tenants. The application was for determination of a new rent of the Property under S.14 by the Tribunal.

2 The tenant enclosed a copy of parts of their tenancy, pages 1, 2, 7 & 8 only and of the Landlords Notice of rent increase. The landlords are Mr and Ms Luc. The tenancy is dated and runs from and including 28 August 2022 for 12 months.

3 The Notice of Rent Increase in the required FORM 4, dated 13 May 2023, stated that the new rent would be £1100 pcm with effect from and including 28 June 2023.

4 S.13 Housing Act 1988 sets out the conditions to be satisfied before Notice of Rent Increase can be validly served by a landlord on a tenant.

5 In this case on the basis that the tenancy does not contain a rent review provision, S.13 ss.1(b) applies. *“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.

6 In this case S.13 ss.2(b)(ii) applies the earliest date being 52 weeks after the start date of this tenancy:

(2) For the purpose of securing an increase in the rent under a tenancy to which this section applies, the landlord may serve on the tenant a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy specified in the notice, being a period beginning not earlier than—

(a) the minimum period after the date of the service of the notice; and

(b) except in the case of a statutory periodic tenancy—

(i) in the case of an assured agricultural occupancy, the first anniversary of the date on which the first period of the tenancy began;

(ii) in any other case, on the date that falls 52 weeks after the date on which the first period of the tenancy began;...”

7 At the date of the Notice of Rent Increase the existing tenancy still had some two months or so to run before it reached the 52 week date after commencement. Whilst scope for the landlord to service an effective Notice of Rent Increase was available when served, to be valid it could not specify a start

date for that new rent before the 52 week expiry date, being before 28 August 2023.

Decision

- 8 The Landlord's Notice of Rent Increase being invalid there is no new rent for the Tribunal to consider and determine. The rent remains unchanged from the existing sum of £800 pcm.
- 9 The Tribunal determines that it has no jurisdiction to determine any new rent under S.14 Housing Act 1988 in respect of the Notice that had been served on the tenants.

Name: N. Martindale

Date: 3 August 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).