



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

**Case Reference** : **BIR/41UK/MNR/2023/0122**

**Property** : **36 Langdale Court Amington Tamworth**

**Tenant** : **Lauren Burrows**

**Landlord** : **Lisa Thomas**

**Type of Application** : **An application under section 13(4) of the Housing Act 1988 referring a notice proposing a new rent under an Assured Periodic Tenancy, to the Tribunal.**

**Tribunal Member** : **V Ward BSc Hons FRICS – Regional Surveyor**

**Date of Decision** : **22 February 2024**

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**DECISION FOLLOWING REVIEW**

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## **Introduction**

1. The Tenant sought permission to appeal the Decision of the First-tier Tribunal (Property Chamber) dated 14 December 2023 which determined the rent of the Property as £725.00 per calendar month as from 28 June 2023.
2. The Tenant's request was made by email received by the Tribunal on 20 December 2023 within the requisite 28 days.

## **Law**

3. Applications for permission to appeal are made pursuant to Part 6 of the Tribunal Procedure (First-tier Tribunal) Property (Chamber) Rules 2013 ('the Rules').
4. In respect of appeals from Tribunal decisions, Rule 53(1) of the Rules provides that on receiving an application for permission to appeal, the Tribunal must first consider, taking into account the over-riding objective in Rule 3, whether to review the decision in accordance with Rule 55 (review of a decision).
5. Rule 55(1) provides that the Tribunal may only undertake a review of a decision -
  - (a) pursuant to rule 53 (review on an application for permission to appeal); and
  - (b) if satisfied that a ground of appeal is likely to be successful.

## **The Tenant's Grounds**

6. The Tenant's issue is with the arrears due to the rent increase from the date of increase specified in the Landlord's Notice of 28 June 2023 to the date of the Tribunal's decision, which are stated as £480.00, and her inability to pay the same.
7. Usually, the new rent will take effect from the date specified in the Landlord's Notice of Increase but where that date would cause undue hardship to the tenant, then by section 14(7) of the Housing Act 1988, the Tribunal has a discretion to fix a later starting date up to the date the Tribunal makes its determination i.e. in this case up to 14 December 2023.
8. The Tribunal treated the Tenant's appeal as a request for the Tribunal to fix a later commencement date for the new rent under section 14(7).
9. It should be noted that there was no challenge to the level of rent specified by the Tribunal which confirmed the rental of £725.00 per calendar month as specified in the Landlord's Notice.

10. In order for the Tribunal to consider the request further Directions were issued on 29 December 2023 inviting the parties to make further submissions in respect of the claim for hardship.

#### *Submissions of the Parties*

11. The Tenant made further submissions to the effect that she was a single mother on universal credit and child benefit, and with the rise in household bills it was unaffordable that she could pay the arrears of £480.00.
12. The Landlord made no submissions in respect of the claim for hardship.

#### **Decision**

13. The Tribunal finds that it would have been taken into account the Tenant's claim for hardship had it been raised in correspondence before the original decision dated 14 December 2023 and reviews the same under Rule 55 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
14. The Tribunal determines that the rent of £725.00 is payable from 14 December 2023.

#### **Appeal**

15. A party seeking permission to appeal this decision must make a written application to the Tribunal for permission to appeal. This application must be received by the Tribunal no later than 28 days after this decision is sent to the parties. Further information is contained within Part 6 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (S.I. 2013 No. 1169).