



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

Case Reference	:	LON/00BK/MNR/2023/0342
Property	:	2 Cervantes Court, Inverness Terrace London W2 6JE
Applicant	:	Ms Ghada Alhassan (Tenant)
Representative	:	None
Respondent	:	Ms Rashmi Thakar (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	:	18 December 2023

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal Property Chamber, received an application form dated 21 July 2023 from the tenant. 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 their application form, of their tenancy dated 1 March 1993 and of the Form 4 Notice of Rent Increase dated 20 June 2023. It referred to the passing rent of £468 (though not its

periodicity) and of the new rent to be £575 per week with effect from and including 24 July 2023.

- 3 The tenant represented to the Tribunal that the passing rent was the result of determination of the Tribunal from and including 21 September 2022. The tenant directed the attention of the Tribunal to this and showed the landlord was mistakenly attempting to raise the rent again, in a period less than 12 month after it had last been changed. While Notice might be served in July 2023, it could not raise the rent with effect from a new date, prior to 21 September 2023.

Decision

- 4 The effective date of the proposed rent increase being less than 53 weeks and 6 days after the last increase (S.13B (b) Housing Act 1988), the Notice of rent increase was invalid. There being no valid Notice and no new rent for the Tribunal to determine, the passing rent remains due at the passing rent of £468 per week.

Name: N. Martindale

Date: 18 December 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).