



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

Case Reference	:	CAM/38UC/MNR/2023/0141
Property	:	2 Bartholomew Road, Cowley, Oxford, OX4 3QQ
Applicant	:	Ms Agnes Cziczovszki (Tenant)
Representative	:	None
Respondent	:	Mr Vitalijus Asnauskas (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	:	8 December 2023

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal Property Chamber, received an application form dated 29 September 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, but did not provide a copy of their tenancy from the respondent. The applicant tenant did include a copy of the Form 4 Notice of Rent Increase dated

28 August 2023. The Notice referred to a passing rent of £250 per month and a proposed rent of £580 per month with effect from 1 October 2023. The Property named in the Notice was 2 Bartholomew Road, not a part of or a room at that address..

- 3 A copy of a tenancy, of the whole of the Property (No.2 Bartholomew Road) was provided by the landlord, rather than by the applicant tenant. The rental period was not marked on the tenancy but, the rental sum referred to was £2350 with effect from 1 March 2023.
- 4 The tenant represented to the Tribunal that the Form 4 Notice had not been received.

Decision

- 5 From the tenancy provided to the Tribunal, the Property known as 2 Bartholomew Road was now let to 4 named individuals. However, the applicant is not one of those so named. This leaves nothing further for the landlord to let directly to anyone else. However the tenancy (at 6.22) provided by the landlord, makes provision for the tenants to accommodate lodgers.
- 6 The Tribunal concludes in passing, that the applicant is not a tenant of the named landlord but, rather a lodger of the 4 named individuals taken on or over by them, when the whole of the Property was let to them in March 2023. The applicant cannot be the direct tenant of the landlord respondent.
- 7 In the absence of a copy of a tenancy of a room at the Property directly from respondent landlord to applicant tenant and in view of the presence of a tenancy of the whole, the Tribunal does not have jurisdiction to determine a new rent for a room at the Property.
- 8 There being no valid Notice and no new rent for the Tribunal to determine, the reportedly passing rent of £250 pcm for that first floor room at the Property, remains unchanged.

Name: N. Martindale

Date: 8 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).