



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

Case reference : **CAM/22UG/MNR/2025/0674**

Property : **Wellhouse Farm, Mount Bures
CO8 5BA**

Applicant (Tenant) : **Edgar Durand**

**Respondent
(Landlords)** : **Peter Anthony Evans**

Type of application : **Sections 13 and 14 of the Housing
Act 1988**

Tribunal member(s) : **Judge David Wyatt**

Date of decision : **11 June 2025**

DECISION

Background

1. On 29 April 2025 the Applicant, the tenant of the Property, made an application to the Tribunal referring a notice of increase in rent (the “Notice”) from the Respondent landlord of the Property under section 13 of the Housing Act 1988 (the “Act”).
2. The Notice proposed a new rent of £1,250 per month instead of the existing rent of £1,050 per month, to take effect from 28 May 2025.
3. A copy of the tenancy agreement was also provided. This is dated 24 December 2009, with the fixed term of the tenancy expiring in December 2010.

4. The Tribunal wrote to both parties on 8 May 2025 to explain that the Tribunal may not have jurisdiction because the Notice did not appear to take effect at the commencement of a new period of the tenancy. Directions were given for the tribunal to decide on paper whether to strike out these proceedings for apparent lack of jurisdiction, inviting submissions from the parties.
5. It appeared the tenancy began on 24 December 2009 and each period of the tenancy began on the 24th of each month. The agreement does not specify the day of the month on which rent is payable; that part of the particulars on the second page of the tenancy agreement has been left blank. The Notice referred to a previous rent increase date of 24 December 2012.
6. On 20 May 2025, the Tribunal received an email from the Applicant requesting “strike out” of the Notice for lack of jurisdiction and supplying their substantive submission if the Tribunal finds they do have jurisdiction. This email included several attachments, one of which submits that the Tribunal does not have jurisdiction because the tenancy began on 24 December 2009 and the proposed date of increase was 28 May 2025. The Applicant later submitted a further email asking for permission to submit further evidence which included a Colchester City Council report relating to the condition of the property. This determination relates only to the issue of whether the tribunal has jurisdiction.
7. The Tribunal did not receive any representations from the Respondent.
8. As provided in the directions, this matter has been determined on the papers provided, as no request for a hearing was received by either party.

Review

9. If a landlord wishes to seek to increase the rent using the procedure in section 13 of the Act then, amongst other things, they must serve a notice which is in the prescribed form and complies with the requirements of section 13(2) of the Act.
10. One of those requirements is that the notice must propose a starting date which is the beginning of a new period of the tenancy. The prescribed form requires the same information (at paragraph numbered 4).
11. It appears the Notice failed to comply with this fundamental requirement. It is not disputed that the periods of the tenancy ran from the 24th of each month and that is consistent with the previous increase recorded in the Notice as starting from 24 December 2012. The Notice proposed a starting date of 28 May 2025, which it appears was not the beginning of a new period of the tenancy.
12. The tribunal cannot determine validity of the Notice for all purposes, which would (under the current law) be a matter for the County Court. However, there is no indication that any claim has been proposed or started in the County Court to determine validity, and such claims are unusual. Since it appears and is not disputed that the Notice was invalid, I am satisfied that the tribunal does not have jurisdiction. Rule 9(2) of the Tribunal Procedure (First-

tier Tribunal) (Property Chamber) Rules 2013 provides that the Tribunal must strike out proceedings if it does not have jurisdiction in relation to them.

13. Accordingly, I hereby strike out these proceedings under rule 9(2). The tribunal will now close its file in this matter.
14. The tribunal cannot advise, but if the Notice is invalid then it does not increase the rent payable and the existing rent will continue to be payable (at least until a new notice is served by the landlord).

Judge David Wyatt

11 June 2025

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), on a point of law only, 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).