



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

Case reference : **CAM/00ME/MNR/2024/0640**

HMCTS code : **P:PAPERREMOTE**

Property : **50 Halifax Road, Maidenhead,
Berkshire, SL6 5EX**

Applicant (Tenant) : **Mr and Mrs Pietrzak**

Respondent (Landlord) : **Mr Scarlett**

Type of application : **Determination of a Market Rent:
Sections 13 and 14 Housing Act
1988**

Tribunal members : **Mr P Roberts FRICS CEnv**

Date of Determination : **20 February 2025**

This has been a remote determination on the papers which the parties are taken to have consented to, as explained below. The form of determination was a paper determination described above as P:PAPERREMOTE. The documents that the Tribunal was referred to are in bundles from the Applicant and the Respondent. The Tribunal has noted the contents and the decision is below.

Decision

The Tribunal are unable to proceed in this matter unless the Court determine that the Landlord's section 13 (2) Notice dated 4 November 2024 is valid.

Reasons

Background

1. The Landlord's agent served notice (the "Notice") dated 4 November 2024 in reliance upon section 13 (2) of the Housing Act 1988 to increase the passing rent from £915 per month to £1,500 per month with effect from 1 December 2024.
2. This rent is stated to be exclusive of Council Tax but inclusive of Water Charges and fixed service charges.
3. The Tenant made an application dated 23 January 2025 to the Tribunal in reliance on section 13 (4) of the Housing Act 1988. This application disputed the validity of the Notice.
4. The Tribunal issued directions on 20 December 2024, inviting the Parties to submit any further representations (including any photographs and details of rentals for similar properties) they wished the Tribunal to consider.
5. The Landlord did not provide any representations in respect of the validity of the Notice.
6. The Tribunal inspected the Property on 17 February 2025.

Validity of the Section 13 (2) Notice

7. The Tenant stated in their "Notes to Reply Form" that:

"1. Served Section 13 Notice is dated 4th November 2024 and was served on us by post (the tenants) on 6th November 2024. Proposed new rent by landlord was to start on 1st December 2024.

2 Served Section 13 Notice does not provide minimum statutory notice of one month therefore served Section 13 Notice is invalid."
8. In this regard, section 13 (2) of the Housing Act 1988 (the "Act") states:

"...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 not earlier

than – (a) the minimum period after the **date of the service of the notice;**”

9. The requirement in respect of the minimum period of notice is explained at section 15 of the Guidance Notes as attached to the Notice.
10. The Notice is dated 4 November 2024 but specifies that the starting date for the new rent to be 1 December 2024. It is therefore indisputable that the minimum period of notice required by the Act has not been provided.
11. The Tribunal does not have jurisdiction to determine the validity of such notices. However, paragraph 48 of the Court of Appeal Decision in *Mooney v Whiteland* [2023] EWCA Civ 67 states:

“That is not to say that a rent assessment committee may not sometimes need to take a view whether a notice is valid. If it considers that a notice is invalid, it may decline to proceed until the question has been determined by the court. Conversely, if it considers that a notice is valid and that objections are without substance, it may proceed to determine the appropriate rent, but its determination will not prevent a tenant from disputing the validity of the notice.”
12. The Tribunal declines to proceed in this instance until and unless the question of validity has been determined by the Court.

Determination

13. The Tribunal is unable to proceed to a formal determination unless the County Court determines the Notice to be valid.

Name: Peter Roberts FRICS CEnv

Date: 20 February 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), 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).