



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

Case reference : **CAM/00MX/MNR/2024/0142**

Property : **47 Upper Belmont Road, Chesham,
HP5 2DE**

Applicants (Tenant) : **Hafiz Naseer Siddique Bibi**

**Respondents
(Landlords)** : **Amir Kiani**

Type of application : **Section 13 and 14 of the Housing
Act 1988 Determination of market
rent payable.**

Tribunal member(s) : **Mary Hardman FRICS IRRV(Hons)**

Date of decision : **9 December 2024**

DECISION

This has been a hearing on the papers which has been consented to by the parties. The documents that I was referred to are in individual responses produced by the Applicant and the Respondent. I have noted the contents and my decision is below.

Background

1. On 1 September 2024 a Housing Adviser on behalf of the Applicant, the Tenant of 47 Upper Belmont Road, Chesham, HP5 2DE (The Property), made an Application (the Application) to the Tribunal referring a notice of increase in rent (the Notice) by the Landlord of the Property under Section 13 of the Housing Act 1988.

2. In response the Tribunal asked for a copy of the Notice and tenancy agreement, as these had not been supplied with the application. The Housing adviser forwarded a copy of these on 16 October 2024 and explained that the delay in sending the application form was caused by them having a high caseload and taking annual leave and that it was not the fault of the tenant.
3. The Notice is dated 26 July 2024 and proposed a new rent of £1150 per month, to take effect from 1 September 2024.
4. The Tribunal acknowledged receipt of the Application and wrote to both parties on 18 October 2024 to indicate that Tribunal's preliminary opinion was that it may not have jurisdiction to consider the matter because the application was not received at the tribunal office before the date when the new rent specified in the notice of increase was due to take effect.
5. The Tribunal considered that the preliminary jurisdiction issue could be decided on the basis of written representations and parties were invited to make such representations before 1 November 2024. Parties were informed that the Tribunal would concern itself solely with the question of whether it had jurisdiction to determine the application.
6. The Landlord emailed the Tribunal on 30 October 2024 explaining that they served the Notice on time and provided the guidance for the tenant that explained what they needed to do if they did not agree with the increase.
7. Nothing further was received from the tenant, or the housing adviser on behalf of the tenant.

The Hearing

8. This hearing has been determined on the papers provided, as no request for a hearing was received by either party

The Law

9. The Tribunal must determine that it has jurisdiction to hear the Application by reference to the validity of application, in order to go on to determine a rent under S14 of the Act.
10. The Act provides in section 13(4)(a) that a new rent specified in the s13 notice shall take effect as mentioned in the notice unless, **before the beginning of the new period specified in the notice**
 - a) the tenant by an application in the prescribed form refers the notice to the appropriate tribunal or
 - b) the landlord and the tenant agree on a variation of the rent which is different from that proposed in the notice or agree the rent should not be varied
11. In short, in this case the Tribunal must satisfy itself that the application was made in time .

12. Subject to the Tribunal having jurisdiction, Section 14 of the Act requires the Tribunal to determine the rent at which it considers the subject property might reasonably be expected to be let on the open market by a willing Landlord under an Assured Tenancy. In so doing the Tribunal is required by Section 14 (1) to ignore the effect on the rental value of the property of any relevant tenants' improvements as defined in Section 14 (2) of the Act.

Issues

13. The tribunal explained to both parties that it would only deal with the question of jurisdiction at this stage. It would issue further directions in respect of the the market rent should it be satisfied that it had jurisdiction to determine that rent.

The Tribunal's Decision

14. The Tribunal understands that it may have been the housing adviser that submitted the application out of time and that it was not the fault of the tenant.
15. However, whatever the position in this respect, an application to determine the market rent payable must be made to the First-tier Tribunal (Property Chamber) and must be made before the beginning of the new period specified in the notice.
16. This application to the tribunal was made on 1 September 2024, which is the same day as the start date of the new rent and is out of time . The statutory timetable for making a valid rent determination application to tribunal cannot be varied by the tribunal.
17. The tribunal therefore has no jurisdiction to determine the rent and the tribunal strike out the application.

Mary Hardman FRICS IRRV(Hons)
Regional Surveyor

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).