



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

Case reference : **CAM/12UE/MNR/2025/0693**

Property : **1 Windsor Gardens, Somersham,
Cambridgeshire, PE28 3DY**

Applicants (Tenant) : **Alexandra Small**

**Respondents
(Landlords)** : **David Monk**

**Respondents
Representative** : **Maxine Lester Lettings & Property
Management**

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

Tribunal member : **Judge MacQueen**

Date of decision : **14 July 2025**

DECISION

This has been a determination on the papers without an oral hearing, which the parties have consented to. I have been provided with documents submitted by parties, the content of which I have noted. My decision and the reasons for it are set out below.

Background

1. On 3 June 2025 the tenant of 1 Windsor Gardens, Somersham, Cambridgeshire, PE28 3DY (the Property), made an 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. The Notice is dated 4 February 2025 and proposed a new rent of £600 per month, to take effect from 1 April 2025.
3. The tribunal acknowledged receipt of the application and wrote to both parties on 6 June 2025 to indicate that the 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.
4. On 6 June 2025, the tribunal received an email from the Applicant tenant providing their response. The Applicant tenant asked the tribunal to exercise its discretion to hear the application. The Applicant submitted that they raised their objections to the Respondent landlord before the rental increase was due to take effect. The Applicant tenant also stated that their understanding was that as the Respondent landlord had acknowledged and understood their objections, the deadline was not being strictly enforced and therefore it would be prejudicial for the Tribunal not to allow the application to progress.
5. The landlord did not provide any representations to the tribunal.

The Law

6. The tribunal must determine that it has jurisdiction to hear the application in order to determine the rent under section 14 of the Housing Act 1988.
7. Section 13(4)(a) of the Housing Act 1988 provides that a new rent specified in the section 13 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
8. In short, in this case the Tribunal must satisfy itself that the application was made in time .

The Tribunal's Decision

9. An application to determine the market rent payable must be made to the First-tier Tribunal (Property Chamber) before the beginning of the new period specified in the notice.

10. The application to the tribunal was received on 3 June 2025, which is over 2 months after the date of the rental increase that being 1 April 2025 and is out of time. The statutory timetable for making a valid rent determination application to the tribunal cannot be varied by the tribunal.
11. The tribunal therefore has no jurisdiction to determine the rent and the tribunal strikes out the application

Judge Bernadette MacQueen

14 July 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).