



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

Case reference : **CAM/26UB/MNR/2025/0615**

Property : **7 Hazel Apartments, 212 Windmill Lane, Waltham Cross, Hertfordshire, EN8 9AF**

Applicants (Tenant) : **Birsel Kanat**

Respondents (Landlords) : **Filey Properties GR Ltd**

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 : **24 February 2025**

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 3 December 2024 the tenant of 7 Hazel Apartments, 212 Windmill Lane, Cheshunt, Waltham Cross, Hertfordshire, EN8 9AF (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. The application was not accompanied by the notice of increase or a copy of the tenancy agreement. The Tribunal sent an email to the tenant requesting these on 4 December 2024. The tenant replied the same day stating that they do not have a copy of the tenancy agreement, but they will forward a copy of the notice of increase and included a copy of this in their email.
3. The Notice is dated 1 November 2024 and proposed a new rent of £1650 per month, to take effect from 1 December 2024.
4. The tenant emailed the Tribunal again on 6 December 2024 to say that they had emailed the letting agency to request the tenancy agreement. The tenant later forwarded a copy of this by email on 17 December 2024.
5. The Tribunal acknowledged receipt of the Application and wrote to both parties on 3 February 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.
6. The tenant replied by return on the same day, 3 February 2025. They explained that they did inform the Tribunal that they did not have a copy of the tenancy agreement and they were waiting to receive a copy of this before sending it to the Tribunal. They also state that they did send the application on time, but they were waiting for the tenancy agreement as requested by the Tribunal.
7. The landlord has not provided any representations to the Tribunal.

The Hearing

8. This hearing has been determined on the papers provided, as no request for a hearing was received from 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 first notification of this application was on 3 December 2024, when the tenant emailed a copy of the application form to the Tribunal.
15. 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.
16. The application to the Tribunal was received on 3 December 2024, which is two days after the start date of the new rent, that being 1 December 2024, and is out of time. The statutory timetable for making a valid rent determination application to the Tribunal cannot be varied by the Tribunal.
17. The Tribunal therefore has no jurisdiction to determine the rent and the Tribunal strikes 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).