



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

Case reference : **CAM/26UK/MNR/2025/0677**

Property : **54b Berry Avenue, Watford, WD24 6RY**

Applicants (Tenant) : **Natalja Maslakova**

Respondents (Landlords) : **Yewande Ebofin**

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 : **27 May 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 8 April 2025 the tenant of 54b Berry Avenue, Watford, WD24 6RY (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. This application was originally made to the London office, before being sent to the Eastern office for processing.
3. The Notice is dated 25 February 2025 and proposed a new rent of £1325 per month, to take effect from 8 April 2025.
4. The Tribunal acknowledged receipt of the Application and wrote to both parties on 1 May 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.
5. On 6 May 2025 the tribunal received an email from the respondent's representative attaching a copy of the cover letter to the notice, a copy of the notice and a copy of the tenancy agreement. In the email they point to the covering letter to the notice, where they wrote that the tenant has 'until 07/04/2025 to respond to the proposed increase; details of how to do so are set out in the notice. If you do not respond to the notice by this date, the rent will increase from 08/04/2025'. They state that this gave the tenant clear notice of the deadline to make an application to the tribunal and as the tenant sent the application to the tribunal office in London on 8 April 2025 they have missed the deadline.
6. The tenant has not provided any representations to the Tribunal.

The Hearing

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

The Law

8. 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.
9. 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
10. In short, in this case the Tribunal must satisfy itself that the application was made in time .
11. 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

12. 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

13. 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.
14. The application to the Tribunal was received on 8 April 2025, which is the start date of the new rent, that being 8 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.
15. 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).