



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

Case reference	:	CAM/22UG/MNR/2025/0814
Property	:	48 Acacia Avenue, Colchester, CO4 3JT
Applicants (Tenant)	:	Mabel Onyeausi and Ifeanyi Onyeausi
Landlord	:	Hemanth Alapati
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	:	16 March 2026

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 December 2025 the tenant of 48 Acacia Avenue, Colchester, CO4 3JT (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 notice proposed a new rent of £1650.00 per month to take effect from 1st December 2025.
3. The tribunal acknowledged receipt of the Application and wrote to both parties on 8 December 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 11 December 2025, the Tribunal received an email from the tenant confirming that they had sent the application form by special delivery on 28 November 2025, with the understanding that it would arrive prior to 1 December 2025. As it appeared to have been late through no fault of the tenant and the Tribunal accepted the application and issued directions.
5. The application was reviewed again and on 25 February 2026, the Tribunal wrote to both parties setting aside the directions as a preliminary jurisdiction issue had arisen.
6. It appeared the Tribunal did not have jurisdiction to consider the matter as the landlord's notice proposing a new rent may be defective. This is because it appears to be intended to take effect in less than the minimum period applicable to the tenancy which appears to be a period of one month. The notice is dated 4 November 2025 and proposes that the new rent takes effect from 1 December 2025, which is less than one calendar month.
7. Parties were given until 11 March 2026 to make any representations in response.
8. On 25 February 2026 the landlord wrote to the Tribunal by email, attaching a screenshot of an email that explained the agreement they had with the tenant, that as the payment date was less than 1 month from the required notice period, they would be compensated with a reduced rent for the first month.
9. On 25th February 2026, the Tribunal also received an email from the tenant. This stated that the landlords notice appears to provide less than one calendar month notice and they will leave it to the Tribunal to determine whether the notice complies with the statutory requirements and whether the Tribunal has jurisdiction to proceed.

The Hearing

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

The Law

11. 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 Housing Act 1988. In short the Tribunal must determine that the landlord's notice under Section 13 (2) satisfied the requirements of that section and was validly served.
12. The Act provides in section 13(2) as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 that the date in

paragraph 4 of the Landlord's notice (the date the new rent becomes payable) must comply with three requirements

13. **The first of those requirements and relevant in this case is that a minimum period of notice must be given before the proposed new rent can take effect.**
14. The Act provides in section 13 (3) That 'the minimum period referred to in subsection (2) above is (b) **in the case of a tenancy where the period is less than a month, one month: and...**
15. The Tribunal must therefore be satisfied that the notice has been validly served.

The Tribunal's Decision

16. The landlords notice made under section 13(2) of the Housing Act 1988 was dated 4 November 2025, giving less than 4 weeks notice to the increase date, which was 1 December 2025.
17. The Tribunal considers that the notice, which gives less than one months notice, has not been validly served
18. For these reasons the Tribunal does not have jurisdiction under Housing Act 1988, ss.13 and 14 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).