

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	LON/00BJ/MNR/2026/0173
Property	4 Keevil Drive, London, SW19 6TA
Tenant	Muhammad Luqman Khan
Tenant's Representative	
Landlord	Alyson Roach
Landlord's Address	4 Highlands Close, Farnham, GU9 8SP
Landlord's Representative	
Date of Application	30 March 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Judge Wendy Banks Dr Jan Wilcox
Date of Decision	10 June 2026

REASONS FOR THE DECISION

Background

1. On 12 March 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,850 per calendar month (pcm) in place of the existing rent of £1,450 pcm to take effect from 01 April 2026.
2. On 30 March 2026, under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.
3. The assured tenancy commenced on 05 May 2009 for a term of 12 months. The rental period is monthly.
4. In his application the Tenant raised an issue as to the validity of the notice. He stated that the notice provided less than the required statutory notice period.

Jurisdiction

5. As a general principle, and under the legislation in force at the time the notice was served, the Tribunal's role on a reference under section 13(4) is to determine the rent payable under section 14. The Tribunal does not have jurisdiction to make a binding determination as to the validity of a section 13 notice; that jurisdiction remains with the County Court.
6. However, the Court of Appeal in *Mooney v Whiteland* [2023] EWCA Civ 67, and the Upper Tribunal in *Atesheva v Halifax Management Ltd* [2024] UKUT 314 (LC), confirm that this does not prevent the Tribunal from considering an apparent issue of validity for the limited purpose of deciding whether it should proceed to determine the rent.

Application to this notice

7. Section 13(2) of the Housing Act 1988 provides that a landlord may serve on the tenant a notice proposing a new rent to take effect at the beginning of a new period of the tenancy. The effective date specified in the notice must not be earlier than the minimum period after the date of service of the notice. For a monthly tenancy, and under the legislation in force before 1 May 2026, the minimum period was one month.
8. The notice is dated 12 March 2026 and proposed that the increased rent should take effect from 1 April 2026. On the material before the Tribunal, that period was less than one month. The notice therefore appears not to have given the minimum notice required by section 13(2).

Decision

9. In those circumstances, the Tribunal is not satisfied that it should proceed to determine a market rent under section 14 of the Housing Act 1988. The Tribunal therefore makes no determination of rent.
10. The landlord's proposed rent of £1,850 per calendar month does not take effect by virtue of this application. The existing rent of £1,450 per calendar month remains payable unless and until the rent is altered by agreement, by a valid notice, or by other lawful means.

Name: Judge Wendy Banks Date: 26 June 2026

APPEAL PROVISIONS

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 3 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).