

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	CAM/34UE/MNR/2026/0037
Property	Flat 2 Pear Tree Court, Bridge Street, Rothwell, Kettering, NN14 6FF
Tenant	J Smith
Tenant's Representative	North Northamptonshire Council
Landlord	Inclusion Housing
Landlord's Address	106 Heworth Green, Heworth, York, YO31 7TG
Landlord's Representative	N/A
Date of Application	18 March 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Peter Roberts FRICS CEnv
Date of Decision	5 July 2026
Rent Determined	N/A
Date the new rent takes effect	N/A

REASONS FOR THE DECISION

1. On 9 February 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £518.11 per week in place of the existing rent of £457.61 per week to take effect from 6 April 2026.
2. On 18 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 6 April 2020. No term was stated within the Tenancy which continues until determined by the Tenant on the service of a minimum of 4 weeks' notice in writing. In the absence of any evidence as to the service of such notice, the Tribunal understands, therefore, that the Tenancy remains in force.
4. Clauses 4.5 and 4.6 of the Tenancy states that:

“Following the first increase in the Net Rent, the Landlord may increase the Net Rent in the future. Increases will normally take place every April. The Landlord can increase the Net Rent by giving the Tenant at least one month's notice of the increase and the date on which the Landlord will make the change. The Landlord shall not increase the Net Rent earlier than 52 weeks from the date of the last increase.”
5. It is therefore the case that the Tenancy sets out clear provisions for the increase of the Net Rent during the term thereof. In this regard, point 8 of the Guidance Notes as attached to the Section 13 Notice template states:

“Do not use this notice if the tenancy agreement contains a term allowing rent increases, or there is some other basis such as a separate agreement with the tenant for raising the rent...”
6. Whilst the position has changed with the effect from the 1 May 2026 in accordance with the Renters Rights Act with the result that such provisions are now no longer enforceable, the position as at the date of the Section 13 Notice (i.e. 9 February 2026) was that terms of the Tenancy prevailed.
7. Whilst the Tribunal did not, prior to the 1 May 2026, have jurisdiction to decide upon the validity of Section 13 Notices the Court of Appeal had previously stated at paragraph 48 of *Mooney v Whiteland* [2023] EWCA Civ 67 that:

“That is not to say that a rent assessment committee may not sometimes need to take a view whether a notice is valid. If it considers that a notice is invalid, it may decline to proceed until the question has been determined by the court. Conversely, if it considers that a notice is valid and that objections are without substance, it may proceed to determine the appropriate rent, but its determination will not prevent a tenant from disputing the validity of the notice.”

8. In the circumstances the Tribunal considers that it does not have jurisdiction in this matter and therefore declines to proceed until and unless advised otherwise by the County Court following the application of either party.

APPEAL PROVISIONS

If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision. Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this statement of reasons (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013) stating the grounds upon which it is intended to rely in the appeal.