



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

Case reference : **MAN/00BN/MNR/2026/0102**

Property : **Apartment 88, 1 Blantyre Street
Manchester, M15 4JU**

Applicant : **Nathan Barlow-Dean(1)
Jade-Ellen Shotton**

Respondent : **Neil Foulis**

**Type of
Application** : **Housing Act 1988 - Section 13**

Tribunal Member : **Judge Bernadette MacQueen**

Date of Order : **10 June 2026**

ORDER CONFIRMING APPLICATION STRUCK OUT

**PURSUANT TO RULE 9(2) OF THE TRIBUNAL (PROCEDURE)
(FIRST-TIER TRIBUNAL) (PROPERTY CHAMBER) RULES 2013**

1. By a formal Notice issued by the Tribunal dated 19 May 2026, the Tribunal indicated that it was minded to strike out the application for lack of jurisdiction and invited the parties to make representations.
2. This position arises because clause 1.6.1 of the tenancy agreement dated 9 September 2017 provides that, upon the expiry of the fixed term, the tenancy continues as a contractual periodic tenancy. The agreement further contains a binding contractual mechanism for rent review at clauses 1.7.8.1 to 1.7.8.6, which prescribes the method by which any rent increase is to be effected. In addition, the tenancy agreement expressly excludes the application of Section 13 of the Housing Act.
3. The Tribunal's jurisdiction to determine a rent increase derives from section 13(1)(b) of the Act. Accordingly, where section 13 has been validly excluded by agreement, the Tribunal may lack jurisdiction to determine the application.

4. The Tribunal invited both the Applicant and the Respondent to make representations on this issue within 14 days of the date on which the order was sent to the parties.
5. The Tribunal has received a response from the Applicant requesting that the matter not be struck out on the basis that the Respondent has relied upon the section 13 procedure. The Respondent made representations regarding the process adopted but did not appear to oppose the basis for striking out. Those representations do not affect the Tribunal's view as set out at paragraph 2 above.
6. Therefore, for the reasons set out in the formal Notice and here, the application is struck out on grounds that the Tribunal does not have jurisdiction in respect of it.

Name: Judge Bernadette MacQueen

Date: 10 June 2026

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), 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).