



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

Case Reference : **BIR/44UE/MNR/2026/0061**

Property : **24 Judith Court, Stratford upon Avon.
CV37 9YN**

Tenant(s) : **Clare Davies & Michael Elvins**

Landlord : **WHG Housing Group**

Type of Application : **An application under section 13(4) of
the Housing Act 1988 referring a notice
proposing a new rent under an Assured
Periodic Tenancy, to the Tribunal.**

Tribunal Members : **T W Jones FRICS
K Bentley**

Date of Decision : **20th May 2026**

DECISION – THE APPLICATION IS STRUCK OUT

Introduction

1. By an application dated 20th February 2026, the Tenant of the Property referred the Notice of increase of rent served by the Landlord, proposing a new rental of £175.35 per week from 6th April 2026 to the Tribunal.
2. Following a review of the application by a Procedural Judge, it appeared that the Tribunal has no jurisdiction to make a determination of rent under section 14 of the 1988 Act
3. From the copy of the agreement provided, the tenancy appeared to run from Tuesday 7 October 2025 on a week-to-week basis and hence would be a tenancy under 13 (1) (b) of the Housing Act 1988.
4. Under the tenancy agreement, the landlord can increase the rent on the first occasion since the start of the tenancy as follows:

“We may increase the net rent and service charge on the first Monday in April following the tenancy start date by giving you at least four weeks’ notice in writing to tell you the amount of the new net rent and service charge and the date when it must be paid from. The new net rent and service charge will not exceed the net rent and service charge that would have been set by the Rent Assessment Committee if it had the power to decide this increase.”

5. Despite the fact that the Landlord has used a section 13 Notice and Guidance Notes that indicate that the Tribunal can determine a market rent, as the tenancy agreement contains its own provision for the first rent increase, the Tribunal has no jurisdiction to make a determination of rent under section 14 of the 1988 Act (see *Helena Partnership v Brown* [2015] UKUT 0324 (LC), *Contour Homes v Rowen* [2007] EWCA Civ 842 and *Chouhan and Thomas v Earls High School* [2016] UKUT 0405 (LC)).

Decision

6. For the reason given above, the application is struck out under Rule 9 (2) (a) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

Appeal

7. A party seeking permission to appeal this decision must make a written application to the Tribunal for permission to appeal. This application must be received by the Tribunal no later than 28 days after this decision is sent to the parties. Further information is contained within Part 6 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (S.I. 2013 No. 1169).

Chairman:



Date: 20th May 2026