

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	MAN/00CB/MNR/2026/0162
Property	77 Townmeadow Lane, Moreton, Wirral, CH46 7TA
Tenant	James Bennet
Tenant's Representative	
Landlord	Magenta Living
Landlord's Address	Partnership Building, Hamilton Street, Birkenhead, CH41 5AA
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	Mr S Wanderer MRICS – Chair Ms J Chisholm
Date of Decision	24 June 2026

Decision

The Tribunal finds it does not have the necessary jurisdiction to consider the Application. Accordingly, the Tribunal strikes out the Application.

REASONS FOR THE DECISION

Background

1. On 24 February 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £105.85 per week in place of the existing rent of £101.00 per week to take effect from 6 April 2026.
2. On 30 March 2026, under Section 13(4)(a) of the Housing Act 1988, the Tenants referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.
3. The assured shorthold tenancy commenced on 13 May 2019 for a term of 12 months. The rental period is weekly.

Inspection/Hearing

4. Neither party requested an oral hearing. The Tribunal has considered this case on the basis of the papers provided by the parties and its own knowledge and specialist expertise.

Evidence

5. Both the Tenant and the Landlord returned the Tribunal's Reply forms.

Directions

6. On 15 May 2026, a legal officer of the Tribunal issued directions stating, inter alia, that:

2. ...it appears the Tribunal may not have jurisdiction to determine a market rent for the above-named property.

3. This is because the tenancy agreement contains a rent review clause (clause 1.3). Where there is a binding rent review clause, the landlord is entitled to rely upon it as section 13 of the Housing Act 1988 does not apply. It follows that the Tribunal does not have jurisdiction.

4. I have decided that the question of jurisdiction will be addressed by a Judicial panel. If the panel decides that the Tribunal has jurisdiction, they will also make a determination of your rent at this time.

Rent Review Clause

7. Under the heading “changes in rent and other charges”, the tenancy agreement states:
- 1.3 We may review the rent:*
(a) usually once a year on the first Monday in April; and
(b) at any time when there is a change in services,
by giving you at least 28 days' written notice of the change.
The notice will tell you the new rent.
- 1.4 The new rent will not be more than the amount which would have been set for the property by the First-Tier Tribunal (Property Chamber) if it had jurisdiction to set the rent. For the avoidance of doubt, the First-Tier Tribunal (Property Chamber) does not have jurisdiction to set the rent under this Agreement.*

The Law

8. Section 13(1)(b) of the Housing Act 1988 excludes from the Section 13 procedure – and, therefore, the Tribunal’s jurisdiction – tenancies “in relation to which there is a provision, for the time being binding on the tenant, under which the rent for a particular period of the tenancy will or may be greater than the rent for an earlier period.”

Determination

9. On the basis of the rent review provisions of the tenancy agreement, the Tribunal does not have jurisdiction to determine the market rent in relation to this tenancy.
10. The Tribunal, therefore, has no alternative but to strike out the application in accordance with Rule 9(2)(a) of the Tribunal Procedure (First-tier) Tribunal (Property Chamber) Rules 2013.

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.