



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

Case Reference : **LON/00BA/MNR/2026/0265**

Property : **27 Hadley Road, Mitcham, CR4
1NW,**

Tenant : **Svetlana Dubrovskaja**

Landlord : **Bridget Huntington**

Type of Application : **Assessment of Market Rent
sections 13 & 14 Housing Act 1988**

Tribunal Members : **Mr D Jagger MRICS
Mr S Dhanani**

Date of Determination : **29 May 2026**

DECISION

The Tribunal does not have jurisdiction to determine this application for the reasons stated below.

It follows that the application must be struck out under Rule 9(2)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, because the Tribunal does not have jurisdiction in relation to the proceedings or case or that part of them.

REASONS

1. Section 13 of the Housing Act 1988 Act provides for increases of rent under assured periodic tenancies. By section 13(2), the landlord must serve on the tenant a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy.
2. On a signed notice dated **12 May 2025**, the Landlord served a Notice of Increase in the prescribed form. The notice purported to increase the rent from £1,575 to £2,200 per month. Paragraph 4 of the Notice specified: "The starting date for the new rent will be **4 May 2026**."
3. By an application dated **23 April 2026**, the Applicant tenant referred the Notice to the Tribunal.
4. The assured tenancy commenced on the 1 February 2015 for a term of 12 months at a rental figure of £1,450 per month. Therefore, this is a Statutory Periodic Tenancy in accordance with the Act.
5. **The First question for the Tribunal is does it have jurisdiction to consider the application?**
6. The landlord's notice proposing a new rent may be defective. The Notice of Increase submitted to the tenant is dated 12 May 2026 indicates a proposed increase in the rent to £2,200, effective from 4 May 2026. In practical terms, this means that the proposed new rent may not be payable from the date specified.

The Decision

7. There appears to be an error the landlord's notice before the Tribunal. The date in paragraph 4 of the notice must comply with the three requirements of section 13(2) of the Housing Act 1988, as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003. The first requirement, which applies in all cases, is that a minimum period of notice must be given before the proposed new rent can take effect. That period is: - one month for a tenancy which is monthly or for a lesser period, for instance weekly or fortnightly; six months for a yearly tenancy; - in all other cases, a period equal to the length of the period of the tenancy - for example, three months in the case of a quarterly tenancy. The effect of this error is that the Application seems to be invalid.
8. On 1 February 2023, the Court of Appeal gave judgment in *Mooney v Whiteland*, [2023] EWCA Civ 167. The Court held that a First-tier Tribunal has no jurisdiction to determine the validity of a Notice of Increase. This is rather a matter for the County Court pursuant to section 40 of the County Court Act. Males LJ made the following observation (at [48]):

"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.

9. It follows that the application must be struck out under Rule 9(2)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, because the Tribunal does not have jurisdiction in relation to the proceedings. The practical effect of the decision is that unless the Tenant seeks the authority of the County Court that the Application is valid, the Tribunal considers that the new rent proposed by the Landlord is payable by the Tenant. However, this is ultimately a matter for the County Court to determine. Alternatively, it is always open to the Landlord to serve a further Notice of Increase with the correct dates.

Duncan Jagger MRICS Valuer Chair
29 May 2026

ANNEX - 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), the 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. Any appeal in respect of the Housing Act 1988 should be on a point of law.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).