

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	MAN/30UF/MNR/2026/0350
Property	Flat 4, 4 St Andrews Road South, Lytham St Annes FY8 1SR
Tenant	Kinga Kaiserin
Tenant's Representative	
Landlord	Homesave (UK) Ltd
Landlord's Address	318-328 Clifton Drive North, Lytham St Annes, FY8 2PB
Landlord's Representative	
Date of Application	19 June 2026
Type of Application	Determination of an Open-Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Mr N Swain MRICS – Chair Ms J Chisholm
Date of Decision	04 August 2026

DECISION

The Tribunal strikes out the application under rule 9(2) (a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

REASONS FOR THE DECISION

Background

1. On 30 April 2026, the Landlord served a notice under Section 13 (2) (as amended) of the Housing Act 1988 which proposed a new rent of £550.00 per calendar month (pcm) in place of the existing rent of £475.00 pcm to take effect from 20 June 2026.
2. On 19 June 2026, under Section 14 (A3) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of an open-market rent.
3. The tenancy commenced on 17 November 2021. The rental period is monthly.

Validity Of Notice – Section 13B of the Housing Act 1988

4. In their application form, the Tenant has indicated that they consider the Landlord's notice is invalid due to the following reasons:
 - a. That they had only received the notice from the Landlord on 01 May 2026, as it had been left in a letter box in the communal hall of the block the Property is in. It had not been hand delivered directly to the Property.
 - b. As it was served on 01 May 2026, the new rules applied to Section 13 notices, requiring two month's notice to be given for a rent review. As the date in the notice was 20 June 2026, this was less than two month's notice. Therefore, the notice is invalid.
5. In response, the Landlord has stated that they consider the notice valid because:
 - a. The notice had been served on 30 April 2026 and they provided photographic evidence to show that was the case. This consists of two photographs purporting to show the delivered notices and included the meta data information showing a date of 30 April 2026.
 - b. Their information confirmed that the notice had been delivered to the communal hall of the block. The photograph showing the notices in the box that all mail was delivered to for all residents.
6. The Tribunal considered the arguments and evidence of both parties and consider the notice to be invalid for the following reasons:

- a. The photographs of the delivery were ambiguous, as they primarily showed the name and address of another Tenant in the block rather than the Applicant. Further, they were not date stamped but merely showed the metadata for the image file.
 - b. Both parties agreed that the notice had been delivered to the communal hall and not this specific Property. Therefore, the date of service is the date that the Tenant could reasonably be expected to become aware of the notice. In this case, the Tenant has indicated that they found the notice on 01 May 2026. It seems entirely reasonable that the Tenant would only find the letter the day after delivery and there is no evidence to challenge that assertion. Therefore, we find the notice was served on the Tenant on 01 May 2026.
 - c. As the notice was served on 01 May 2026, the new rules for Section 13 apply and the notice period given in the notice must be at least two months. In this case, the notice period was less than two months. Therefore, the notice is invalid.
7. Having found the notice to be invalid, the Tribunal strikes out the application under 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 (rule 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.