



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

|                            |          |                                                                |
|----------------------------|----------|----------------------------------------------------------------|
| <b>Case Reference</b>      | <b>:</b> | <b>LON/00BE/MNR/2026/0510</b>                                  |
| <b>Property</b>            | <b>:</b> | <b>Flat 16, Riddell Court, 20 Albany Road , London SE5 0DS</b> |
| <b>Tenant</b>              | <b>:</b> | <b>Mahboob Zain &amp; Mohammed Younus</b>                      |
| <b>Landlord</b>            | <b>:</b> | <b>Jeffrey C Jensen &amp; Mark D Curtis</b>                    |
| <b>Type of Application</b> | <b>:</b> | <b>Section 13 Housing Act 1988</b>                             |
| <b>Tribunal Members</b>    | <b>:</b> | <b>Ms S Beckwith MRICS<br/>Mr M Lynch</b>                      |
| <b>Date of Decision</b>    | <b>:</b> | <b>1 September 2026</b>                                        |

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**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.

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## **REASONS**

### **The Application**

1. The Tribunal received an application from the Tenant, Mahboob Zain, on 30 March 2026.
2. The application referred a Landlord's Notice of Increase in relation to Flat 16, Riddell Court, London (the Property). The Notice of Increase proposed to increase the rent of the Property from £1,625 per month to £2,025 per month with effect from 1 April 2025.
3. The Tenant's application set out their substantive case and raised the issue of the validity of the Landlord's Notice of Increase on the basis that the Notice of Increase contained an effective date of 1 April 2025, which was in the past.
4. The Landlord returned the Tribunal's MR2 form in reply, stating that the date of 1 April 2025 was a "typo".

### **The Law**

5. The law is found in Section 13 of the Housing Act 1988 ('the 1988 Act'), which, insofar as is relevant to this application, provides:

*(2) For the purpose of securing an increase in the rent under a tenancy to which this section applies, the landlord may 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 specified in the notice [...]*

6. The application was made before 1 May 2026 and therefore the applicable law is the 1988 Act as it stood prior to the amendments made by the Renters Rights Act 2025.

### **Facts Found**

7. The Tribunal has been provided with an assured shorthold tenancy agreement dated 4 August 2021. The agreement is for a fixed term of 12 months beginning on 6 August 2021. The rental period is monthly.
8. The Landlord's Notice of Increase was dated as 2.23.26 and specifies the date of the new rent to be 1 April 2025.

### **Discussion and Reasons for the Decision**

9. The Tribunal started by considering the preliminary issue of jurisdiction raised by the Tenant. The Tribunal only has jurisdiction to determine a market rent on the service of a valid Section 13 notice.

10. Section 13(2) of the 1988 Act sets out that, in order to secure an increase in rent, a Landlord may serve a Tenant with a Notice of Increase using the 'prescribed form', form 4.
11. In the Landlord's Notice, the proposed new rent is stated to be effective from 1 April 2025. This date is prior to the date of the Notice, 23 February 2026.
12. Whilst not specifically commented on in the application/reply, the Tribunal notes that whilst the form is labelled as a form 4 notice, it does not contain all of the prescribed information, including the guidance notes for tenants. The effective date for the new rent is also not the beginning of a period of the tenancy – the tenancy having commenced on the 6<sup>th</sup> of the month.
13. Following the *Mooney v Whiteland [2023] EWCA Civ 67* decision, the Tribunal takes the view that it cannot make a decision on the issue of the validity of a notice which is binding for all purposes. However, it is entitled to decide whether it is satisfied that it has jurisdiction.
14. In this case, the Tribunal is satisfied that the Landlord's Notice of Increase is invalid because the effective date for the new rent is incorrect.
15. 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. The practical effect of the decision is that unless the Landlord seeks the authority of the County Court that the Notice is valid the Tribunal considers that the new rent proposed by the Landlord is not payable by the Tenant. However, this is ultimately a matter for the County Court to determine.

Name: Ms S Beckwith MRICS

Date: 1 September 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), 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. 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).