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|  | <b>FIRST - TIER TRIBUNAL<br/>PROPERTY CHAMBER<br/>(RESIDENTIAL PROPERTY)</b>                 |
| <b>Case Reference</b>                                                             | <b>MAN/00CG/MRA/2026/0063</b>                                                                |
| <b>Property</b>                                                                   | <b>12 Penthorpe Close, Sheffield, S12 2GU</b>                                                |
| <b>Tenant</b>                                                                     | <b>Lisa Dexter</b>                                                                           |
| <b>Tenant's Representative</b>                                                    | <b>N/A</b>                                                                                   |
| <b>Landlord</b>                                                                   | <b>Brandon Hill</b>                                                                          |
| <b>Landlord's Address</b>                                                         | <b>2 Arundel Street, Rotherham, S60 5PW</b>                                                  |
| <b>Landlord's Representative</b>                                                  | <b>N/A</b>                                                                                   |
| <b>Date of Application</b>                                                        | <b>16 July 2026</b>                                                                          |
| <b>Type of Application</b>                                                        | <b>Determination of an Open-Market Rent<br/>sections 13 &amp; 14 of the Housing Act 1988</b> |
| <b>Tribunal Members</b>                                                           | <b>Judge L White<br/>Tribunal Member J Faulkner FRICS</b>                                    |
| <b>Date of Decision</b>                                                           | <b>28 August 2026</b>                                                                        |
| <b>Rent Determined</b>                                                            | <b>N/A - notice deemed invalid</b>                                                           |
| <b>Date the new rent takes effect</b>                                             | <b>N/A</b>                                                                                   |

## **REASONS FOR THE DECISION**

### **Background**

1. The Landlord served a notice under Section 13 (2) (as amended) of the Housing Act 1988 dated 05 May 2026 which proposed a new rent of £1,000.00 per calendar month(pcm) in place of the existing rent of £850.00 pcm to take effect from 01 August 2026.
2. On 16 July 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 01 May 2023. 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 failure to give enough notice between service and the date the new rent will take effect.
5. The Tenant states that the notice was only received on 5 July 2026 despite being dated 05 May 2026. The notice states that the new rent will take effect from 01 August 2026.
6. The tenant included in the paperwork submitted to the Tribunal a picture of an envelope which she stated enclosed the notice. The envelope shows the postcode of the Property and is dated stamped 05/07/2026.
7. In response, the Landlord has stated that the notice was served by royal mail post on 05/05/2026.
8. The Tenant's MR3 form reiterated that the notice had only been received on 05/07/2026 and 2 calendar months' notice of the proposed new rent had not therefore been given. The tenant again referred to the evidence submitted with the MR1 form
9. The Tribunal has considered the notice served by the Landlord pursuant to section 13 of the Housing Act 1988. Section 13 requires that the notice specify a date upon which the proposed new rent is to take effect and that the statutory minimum period of notice be given between service of the notice and that date. The statutory minimum period of notice in this case being 2 months.

10. Having reviewed the evidence as to the date of service of the notice the Tribunal finds that the notice was served on 05 July 2026. The Landlord has produced no documentary evidence of posting in May 2026. The Tribunal accepts the Tenant's evidence, supported by the postmarked envelope dated 05 July 2026.
11. The date specified in the notice for commencement of the proposed rent is 01 August 2026. The Tribunal is satisfied that less than two months elapsed between service of the notice and the proposed commencement date. The notice therefore failed to comply with the statutory requirements governing a valid notice under section 13.
12. The Tribunal finds that the notice served by the Landlord pursuant to section 13 of the Housing Act 1988 was not served until 5 July 2026. As the notice purported to take effect on 1 August 2026, less than the statutory minimum period of notice was given. The notice is therefore invalid and of no effect. In the absence of a valid section 13 notice, the Tribunal has no rent to determine under section 14 and the application is struck out 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.