

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	LON/00BE/MNR/2026/0303
Property	37 Acanthus Drive, Bermondsey, London, SE1 5HH
Tenant	Veselin Ivanov
Tenant's Representative	None
Landlord	Freshview Estates Ltd
Landlord's Address	4th Flr Sutherland House, 70-78 West Hendon Broadway, London, NW9 7BT
Landlord's Representative	Freshview Estates Ltd
Date of Application	28 April 2026
Type of Application	Determination of an Open-Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	R Waterhouse FRICS
Date of Decision	18 September 2026

DECISION

The application is 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 FOR THE DECISION

Background

1. On 31 March 2026, the Landlord served a notice under Section 13 (2) (as amended) of the Housing Act 1988 which proposed a new rent of £1600.00 per calendar month(pcm) in place of the existing rent of £ 1283.00 pcm to take effect from 1 June 2026.
2. On 28 April 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 30 October 2024 for a duration of 36 months ending in 29th October 2027. The rental period is monthly.

Preliminary Matter

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

Tenants position

4. *In their application form, the Tenant has indicated that they consider the Landlord's notice is invalid due to the following reasons;*
 - (a) *The tenant states their rent was last increased with effect from 1st November 2025, so the proposed rent increase would amount to second increase within 12 months, which is not permitted under the contractual tenancy*
5. *The tenant's submission [29/216] included a copy of the tenancy agreement. The tenancy agreement shows a commencement date of 30 October 2024 with a duration of 36 months terminating on 29 October 2027.*
6. *The tenancy has the landlord and tenant's signatures at [45/211].*
7. *The section 13 Notice is dated 31 March 2026.*

Landlords position

8. *The landlord in their reply form, noted [81/216] “we were not aware of the recent renewal tenancy nor the apparent increase in rent which FOLIO made last year. We are charging the original amount of rent as per Section 13 Notice. We will now charge the rent as per Folio’s increase last year.”*

Analysis and decision.

9. *The parties agreed that there was a contractual tenancy in place from 30 October 2024 to 29 October 2027.*
10. *The parties agreed that para 9 of the tenancy agreement provided for the mechanism for which rent could be increased within the contractual term.*
11. *The case of Mooney v Whitehead [2023] EWCA Civ 67] confirmed that the tribunal does not have the jurisdiction to determine whether a Notice of Increase for all purposes is valid or not. However, the tribunal is entitled to decide whether it is satisfied, on balance, that the legal and factual matrix forming the background to the application demonstrates that it has jurisdiction.*
12. *The tribunal referring to Mooney finds that the Section 13 Notice is not valid for triggering the tribunal’s jurisdiction to make a determination under the Housing Act 1988.*
13. *The tribunal cannot and does not make any findings whether the Notice served has any status under the contractual tenancy.*
14. *With the Section 13 Notice being determined ss invalid for the purposes of making a rental determination, under the Housing Act 1988, the **application is 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.***

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 after 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.

