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|  | <b>FIRST - TIER TRIBUNAL<br/>PROPERTY CHAMBER<br/>(RESIDENTIAL PROPERTY)</b>                 |
| <b>Case Reference</b>                                                             | <b>LON/00BE/MNR/2026/0443</b>                                                                |
| <b>Property</b>                                                                   | <b>19 Achilles Close, St, James Road, SE1<br/>5HE</b>                                        |
| <b>Tenant</b>                                                                     | <b>Mariusz Piotrowski</b>                                                                    |
| <b>Tenant's Representative</b>                                                    | <b>None</b>                                                                                  |
| <b>Landlord</b>                                                                   | <b>BMR ST. James 2 Ltd</b>                                                                   |
| <b>Landlord's Address</b>                                                         | <b>32 Castlewood Road, London, N16 6DW</b>                                                   |
| <b>Landlord's Representative</b>                                                  | <b>Freshview Estates Ltd</b>                                                                 |
| <b>Date of Application</b>                                                        | <b>29 May 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>R Waterhouse FRICS</b>                                                                    |
| <b>Date of Decision</b>                                                           | <b>24 September 2026</b>                                                                     |

## **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 30 March 2026, the Landlord served a notice under Section 13 (2) (as amended) of the Housing Act 1988 which proposed a new rent of £1900.00 per calendar month(pcm) in place of the existing rent of £ 1336.00 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, copy of which supplied to the tribunal, commenced on 1 April 2023 for a duration of 36 months ending on 31 March 2026. [22/156] The rental period is monthly.

### **Preliminary Matter**

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

#### **Tenant's 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 "my initial agreement with Folio stipulated that any rent increase would be determined by the Consumer Price Index of the preceding month before March 31<sup>st</sup>. It was also in the old lease from 2019 to 2022."

#### **Landlord's position**

5. The landlord in their reply form, noted [115/156] "*we concede that the section 13 notice is not valid due to the clause in the tenancy governing the rent increase in the contractual periodic tenancy. Therefore, the Tribunal does not have jurisdiction to determine the market rent so it has respectfully submitted that*

*the application be dismissed. We do not intend to ask the Applicant for the rent per that s 13 notice served and it is withdrawn.”*

**Analysis and decision.**

6. The landlord has withdrawn the Section 13 Notice. There is therefore no Notice to make a determination on. The Application is invalid as it does not reference a valid Notice.
7. 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.

