

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	MAN/00EB/MNR/2026/0353
Property	53 Hutton Avenue, Hartlepool, TS26 9PW
Tenant	Kelly & Chris Gartry
Tenant's Representative	
Landlord	Mark Olive
Landlord's Address	174 Belasis Avenue, Billingham, TS23 1EY
Landlord's Representative	Orange Sales & Lettings
Date of Application	27 June 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Mr N Swain MRICS – Chair Ms J Chisholm
Date of Decision	21 September 2026

DECISION

1. The Tribunal strikes out the application.

REASONS FOR THE DECISION

Background

2. On 20 April 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1355.00 per calendar month(pcm) in place of the existing rent of £1155.00 pcm to take effect from 20 May 2026.
3. On 27 June 2026, under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.
4. The assured tenancy commenced on 13 January 2024 for a term of six months. The rental period is monthly.

The Law

5. Section 13 of the Housing Act 1988 ("the Act") sets out the requirements for the increase of a rent and the tenant's right to refer the proposed new rent to the Tribunal, as follows:

(4) Where a notice is served under subsection (2) above, a new rent specified in the notice shall take effect as mentioned in the notice unless, before the beginning of the new period specified in the notice,--

(a) the tenant by an application in the prescribed form refers the notice to the appropriate tribunal

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Reasons

6. The Act clearly states the requirement to refer the notice to the Tribunal before the start date set out in the notice. The start date in this case was 20 May 2026, and the Tenant only referred the notice to the Tribunal on the 27 June 2026. This is over a month after the start date in the notice.
7. The Tribunal has no flexibility to vary this requirement of the Act.
8. Therefore, the Tribunal directs that the application be struck out.

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 (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.