

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	CAM/33UE/MNR/2026/0081
Property	Bardolph House, Fincham Road, Stow Bardolph, King's Lynn, Norfolk, PE34 3HX
Tenants	Leigh Ariana Trifari Roderick Shelton
Tenant's Representative	Mr Varnam - counsel
Landlord	Executors of Lady Rose Hare's Estate
Landlord's Address	Home Farm, Stow Bardolph, Norfolk, PE34 3HT
Landlord's Representative	Stow Estate Property Ltd
Date of Application	20 April 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Judge Wendy Banks Tribunal member David Hunt MRICS
Date of Decision	16 September 2026
Rent Determined	N/A – application is struck out

REASONS FOR THE DECISION

Background

1. On 16 February 2026, a Notice was served by Stow Estate Property Ltd under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,532 per calendar month (pcm) in place of the existing rent of £1,480 pcm to take effect from 26 April 2026.
2. On 20 April 2026, under Section 13(4)(a) of the Housing Act 1988 ("the Act"), the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.
3. The assured tenancy commenced on 26 April 2019 for a term of 12 months. The rental period is monthly.

Hearing

4. A hearing was held on 16 September 2026 by video platform. The Tribunal has considered this case on the basis of an oral hearing, the papers provided by the parties and its own knowledge and specialist expertise. In their application and at the hearing, the Applicant sought to challenge the validity of the Notice on the grounds that the Notice had not been served by or on behalf of the Landlord.

The Law

5. Section 13(2) of the Act sets out the following:

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, being a period beginning not earlier than ...

The Issues

6. The Tribunal must determine that it has jurisdiction to hear the Application by reference to validity of the Notice, in order to then commence a determination under section 14 of the Act.
7. The Landlord stipulated on the tenancy agreement is Lady Rose Hare. It is agreed between the parties that Lady Rose Hare died on or around 26 April 2022

and that no transfer of the Property had taken place following Lady Rose Hare's death and that the estate remained under administration. It was common ground that following her death the Property formed part of her estate and that responsibility for the management of the estate would rest with the personal representatives. It is agreed that the tenancy has not come to an end but that the tenancy now forms part of the estate. In the tenancy agreement under the heading Service of Notice Address for the Landlord it states that notices may be sent or served on the Landlord at Stow Estate Trust, Home Farm, Stow Bardolph, King's Lynn, PE34 3HT. The Tribunal notes that is different from the entity identified as serving the Notice, namely Stow Estate Property Ltd.

8. It is unclear whether a Grant of Probate has been made save that Elizabeth Esse who represented Stow Property Estate Ltd stated that the estate remained under administration. The Tribunal was not provided with a copy of any death certificate, will or Grant of Probate and is therefore unable to determine on the evidence before it who was entitled to act as landlord at the relevant time. Accordingly, the Tribunal is unable to be satisfied that the Notice was served by the Landlord or by a person authorised to act on the Landlord's behalf.
9. Prior to the introduction of the Renter's Rights Act 2025 on 01 May 2026, it was clear that the Tribunal did not have jurisdiction to determine whether a section 13 Notice was valid. That is an issue for the County Court, and, as the Notice predates the introduction of the Renter's Rights Act then, in this case, that remains the purview of the County Court.
10. The Tribunal's jurisdiction is limited to the determination of a rent under section 14 of the 1988 Act. However, the Tribunal must be able to decide whether or not its jurisdiction is properly engaged. This is confirmed at paragraph 48 of *Mooney v Whiteland* [2023] EWCA Civ 67 where it states that despite the conclusion that validity is a matter for the court, *"That is not to say that a rent assessment committee may not sometimes need to take a view whether a notice is valid. If it considers that a notice is invalid, it may decline to proceed until the question [sic] has been determined by the court. Conversely, if it considers that a notice is valid and that objections are without substance, it may proceed to determine the appropriate rent, but its determination will not prevent a tenant from disputing the validity of the notice"*.
11. Further, Males LJ considered the decision in *R(Morris) v London Rent Assessment Committee* [2002] EWCA Civ 276 where Lord Justice Mummery said that "There is no doubt.... that the committee had power to determine the validity of the notice; it was a matter going to its jurisdiction to set the rent." At first instance in *Morris*, the committee had said that :

"11. The committee takes the view that it cannot make a decision on the issue of the validity of the notice which is binding for all purposes. However, it 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. In this case the committee were satisfied that the applicants had made out a strong prima facie case that the 1954 Act notice was invalid."

12. The tribunal cannot determine validity of the Notice for all purposes, which would (in this case) be a matter for the County Court. However, in order to determine whether its jurisdiction is engaged, the Tribunal must form a view on the material before it. In order to determine whether its jurisdiction is engaged, the Tribunal must form a view on the material before it. In this case, the evidence before the Tribunal is insufficient to establish that the section 13 Notice was served by the Landlord or by a person authorised to act on behalf of the Landlord. Accordingly, the Tribunal is not satisfied that a valid section 13 notice has been shown to exist and accordingly is not satisfied that its jurisdiction under section 14 has been engaged. Rule 9(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 provides that the Tribunal must strike out proceedings if it does not have jurisdiction in relation to them.
13. Accordingly, the Tribunal hereby strikes out these proceedings under rule 9(2). The tribunal will now close its file in this matter.

Decision

14. The Application is struck out for the reason set out above.

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.