

FIRST – TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	BIR/00FY/MNR/2026/0138
Property	:	3 Landseer Close Nottingham NG7 3BH
Applicant Tenant	:	Farid Elarnaut
Representative	:	NLS Legal
Respondent Landlord	:	Ramdane Djebarnigh
Representative	:	Simon Vollans & Co
Type of Application	:	An application under section 13(4) of the Housing Act 1988 referring a notice proposing a new rent under an Assured Periodic Tenancy, to the Tribunal.
Tribunal Member	:	G S Freckelton FRICS Mr C Cox
Date of Decision	:	28th October 2026

DECISION

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Introduction

1. By an application dated 22 May 2026, the Tenant of the Property, referred the Notice of increase of rent served by the Landlord proposing a new rental of £1,390.00 per month from 27 May 2026 to the Tribunal.

2. The Tenant made submissions in writing to the Tribunal. No submissions were received on behalf of the Landlord. Neither party requested an inspection or hearing and the matter was therefore dealt with by a paper determination on 24 August 2026.

3. Following the Tribunal determination, the Tribunal wrote to the parties informing them that it considered that there could be a deficiency in the Notice of rent increase. Based on the papers provided the Tribunal understands:

    1) That the tenancy commenced on 11 May 2016.
    2) That the date of the increase specified in the Notice was 27 May 2026.

4. Following a review of the application by the Tribunal, it appears that the Landlord's Notice may be invalid as the increase in rental does not appear to commence at a new period of the tenancy. From the information provided, the tenancy commenced on 11 May 2016 and the period of the tenancy is monthly. The proposed rent increase date of 27 May 2026 does not appear to be at the beginning of a new period of the tenancy. Guidance Note 18 attached to the Notice deals with this specific point.

5. The ultimate authority for determining whether or not a Rent Increase Notice is valid is the County Court (see *Mooney v Whiteland* [2023] EWCA Civ 67) however the Tribunal must be satisfied on balance that the Notice is valid for its jurisdiction to be engaged.

6. For the reason given above, the Tribunal may not have jurisdiction and therefore proposed to strike out the application under Rule 9 (2) (a) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 but first invited the parties to make representations on the proposed strike out.

The Submissions of the Parties

7. The Respondent Landlord made no submissions.

8. The Tenant's Representative sent a written submission to the Tribunal dated 09 September 2026 and submitted that the Notice was valid following the introduction of the Renters Rights Act. However, the Tenant invited the Tribunal to find that it had the necessary jurisdiction to Strike Out the Application as the Notice of Increase was defective.

Decision

9. For the reasons given above, the Tribunal considers that the Landlord's Notice to increase the rent is invalid, therefore it has no jurisdiction to determine the application and it must be struck out. The Notice of Increase was served by the Landlord prior to the Renters Rights Act coming into law.

10. Guidance Note 18 attached to the Notice of Increase makes it quite clear that the starting date for a new rental must coincide with the start of a rental period. In this case the start of a rental period is the 11th of the month, being the date, the tenancy commenced and not the 27th of the month being the date specified in the Notice.

11. In practical terms, unless the Landlord seeks the authority of the County Court that the Notice is valid, the new rent proposed by the Landlord is not payable by the Tenant.

Appeal

12. A party seeking permission to appeal this decision must make a written application to the Tribunal for permission to appeal. This application must be received by the Tribunal no later than 28 days after this decision is sent to the parties. Further information is contained within Part 6 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (S.I. 2013 No. 1169).

G S Freckelton FRICS
Chairman