	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	MAN/00BS/MRA/2026/0165
Property	254 Wellington Road South, Stockport SK2 6ND
Tenant	Sylwia Jasinska
Tenant's Representative	N/A
Landlord	MKR Consultants Ltd FAO: Manjit Ram
Landlord's Address	25A Herbert Road, Hornchurch, Greater London RM11 3LH
Landlord's Representative	Countrywide Residential Lettings Ltd
Date of Application	24 August 2026
Type of Application	Determination of a Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	I Jefferson H Dobby
Date of Decision	4 November 2026
Rent Determined	N/A: Landlord's Notice Invalid
Date the new rent takes effect	N/A

© CROWN COPYRIGHT

REASONS FOR THE DECISION

Background

1. On 12 June 2026, the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £640.00 per calendar month(pcm) in place of the existing rent of £600pcm to take effect from 1 September 2026.
   On 24 August 2026, under Section 13(4)(a) of the Housing Act 1988, the Tenant appealed the proposed new rent to the Tribunal for determination.
   The monthly tenancy commenced on 12 July 2025.

Allocation of Repairs and Council Tax between Landlord and Tenant.

2. Responsibility for Repairs is as per section 11 of the Landlord and Tenant Act 1985. The property is furnished, with dated furnishings according to the Tenant to include bed, wardrobe, cabinet, desk and chair, lampshade etc. Communal rooms include fitted basement kitchen, laundry machine in upper kitchen, and living room. No service charge is payable, but the rent includes for WiFi, TV licence, communal cleaning, and maintenance services.
   The Tenant is responsible for the payment of Council Tax in respect of the Property.

Inspection/Hearing

3. Neither party requested an oral hearing nor an inspection. The Tribunal has considered this case on the basis of the papers provided by the parties and its own knowledge and specialist expertise, but without using any secret evidence.

The Property

4. The Property was originally built as a 3-storey mid-terrace house around 1885 in a terrace of 3. Now comprises an HMO with shared facilities. The subject unit is a basement bedroom with limited natural light.

   The Property is situated in Stockport, a few miles to the south of Manchester in close proximity to amenities, including nearby local shops.

Representations as to Rental Value

5. Both the Tenant and Landlord made written representations, but for reasons which will become apparent later in this Decision the Tribunal have not summarised these.

Tribunal Determination

6. The Law as it pertains to this matter is as follows:

7. The Tribunal first had to determine that the Tribunal had jurisdiction to hear the Application by reference to the validity of the Notice, in order to determine a rent under Section 14 of the Act. In short the Tribunal must determine that the landlord's notice under Section 13 (2) satisfied the requirements of that section and was validly served.

8. The Act provides in section 13(2) as amended by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 that the date in paragraph 4 of the Landlord's notice (the date the new rent becomes payable) must comply with three requirements.

9. The first requirement is that a minimum period of notice must be given before the proposed new rent can take effect.

10. The second requirement is that the starting date must not be less than 52 weeks after the date on which the rent was last increased using this procedure although there are exceptions to this.

11. The third requirement is that the proposed new rent must start at the beginning of a period of the tenancy (see paragraph A4 of the Guidance Notes forming part of the prescribed form of the Landlord's Notice).

12. Section 14 of the Act requires the Tribunal to determine the rent at which it considered the subject property might reasonably be expected to be let on the open market by a willing Landlord under a Tenancy in so doing the Tribunal is required by Section 14 (1) to ignore the effect on the rental value of the property of any relevant tenants' improvements as defined in Section 14 (2) of the Act.

13. Only if a landlord's notice complies with each of the requirements referred to above does a Tribunal have jurisdiction to determine a rent under Section 14 of the Act.
The Tribunal does not make a binding determination as to the validity of the notice, that remains a matter for the County Court. However, where there is an apparent defect the Tribunal may consider that issue to decide whether it should proceed to determine a market rent.

Decision

14. The papers before the Tribunal confirm that the monthly Tenancy commenced on 12 July 2025. The Landlord's Notice stated that the new rent was to take effect from 1 September 2026.

15. The Tribunal find the Notice to be invalid as it has an incorrect start date because the proposed new rent does not take effect at the start of the first new period of the tenancy. This does not comply with the mandatory requirements of the relevant Act.

16. The Tribunal consider that the Landlord's Notice is invalid. The Tribunal therefore does not have jurisdiction to determine a rent under Section 14 of the Act. The existing rent remains payable unless and until it is altered by a valid notice and decision, or by other lawful means. Should either Party disagree then one or other may refer the matter to the County Court. However, the Tribunal consider that their decision follows the Court of Appeal decision concerning validity of Notice in Mooney v Whiteland [2023] EWCA Civ 67. The Court of Appeal emphasised that the date from which the new rent will take effect is of critical importance to the validity of a Section 13 Notice, because it enables the Tenant to understand whether the statutory requirements have been complied with and leaves no room for doubt concerning the date from which the new rent will be payable.