



**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case reference** : **LON/00AH/MNR/2021/0002**

**Property** : **30 Malcolm Road  
London SE25 5HG**

**Applicant** : **Daniel Davis**

**Representative** : **-**

**Respondent** : **Grainger plc**

**Representative** : **-**

**Type of application** : **Decision in relation to section 13 of  
the Housing Act 1988**

**Tribunal member(s)** : **Judge D Brandler  
Marina Krisko FRICS**

**Venue  
(remotely)** : **10 Alfred Place, London WC1E 7LR**

**Date of decision** : **13 October 2021**

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**DECISION**

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## **Decision:**

The Tribunal does not have jurisdiction to determine this application for the reasons stated below.

## **Background:**

1. On 28/09/2020 the tribunal received an application under section 13 of the Housing Act 1988. A letter dated 09/08/2020 was included with the application however the notice of increase of rent referred to in the application was not attached. The application was signed by the applicant on 25/09/2020.
2. In the letter addressed to the Tribunal dated 9/8/2020 the Applicant wrote “*I am writing to you to refer the notice of the Rent increase proposed for 01th September 2020 to £1080.00*”. No further detail was provided in relation to the term of rent, the previously charged rent and no detail was provided in relation to the notice of increase of rent.
3. That letter asks the Tribunal to take into account improvements in the property since the start of the family’s occupation in October 1966. These improvements are stated to be double glazing, a shower room central heating and more recently outhouse roof repairs.
4. On 17/03/2021 the Tribunal wrote to the Applicant tenant explaining that without a Notice of Increase of rent, the Tribunal did not have jurisdiction to determine his application. The letter asked that the notice be provided. No response was received by the Tribunal.

## **5. The law:**

*“S.13 Housing Act 1988 - increases of rent under assured periodic tenancy*

*s. 13(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*

...

*S. 14 Housing Act 1988 – Determination of rent by tribunal:*

*(1) Where under subsection (4)(a) of Section 13, a tenant refers to the tribunal a notice under subsection 13(2), the tribunal shall determine the rent at which, subject to subsections (2) and (4) below, the tribunal consider that, the dwelling-house concerned might reasonably be expected to be let in the open market by a willing landlord under the assured tenancy ...”*

## **Reason for the decision**

6. The tenant applicant has failed to provide a copy of the notice of increase of rent, as is required by s.13(4)(a) of the Housing Act 1988. The Tribunal therefore has no jurisdiction to determine a rent.

**Name:** Judge D Brandler

**Date:** 13 October 2021

## **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).