



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

Case reference : **LON/00BK/MNR/2020/0100**

Property : **77 Chelsea Gardens Chelsea Bridge
Road, London SW1W 8RQ**

Applicant : **Mr B Saadouni**

Representative : **In Person**

Respondent : **Peabody Trust**

Representative : **Did not attend**

Type of application : **Jurisdiction to determine Market
Rent under s13 & 14 of the Housing
Act 1988**

Tribunal member(s) : **Mr D Jagger
Mr A Ring**

**Date and venue of
hearing** : **3rd December 2021 at Alfred Place**

Date of decision : **8th December 2021**

DECISION

Covid-19 pandemic: description of hearing

This has been a “face to face” hearing which has been consented to by the applicant. The documents that we were referred to are the 2021 Notice of Increase, the application and covering correspondence the contents of which the tribunal have noted.

Decisions of the tribunal

- (1) The tribunal determine that the application is invalid and that we do not have jurisdiction because the relevant Notice of Increase for the year 2020 has not been provided by the tenant.

The application

1. The applicant seeks a determination pursuant to section 13 & 14 of the Housing Act 1988 following the service of a purported Notice of Increase by the landlord for the year 2020.

2. Background

3. On 15th June 2020, the tribunal received an application made by the tenant in connection with a proposed rent increase. The tribunal wrote to the tenant on 30th September 2020 requesting a copy of the landlord’s Notice of Increase together with a copy of the tenancy to be provided by the 14th October 2020. No response was received from the tenant and the tribunal sent another letter on the 11th August 2021. The tenant forwarded a copy of the tenancy agreement and a Notice of Increase for **2021** and not the 2020 Notice of increase. The tribunal can fully understand the confusion due to the time lapse. However, as the relevant Notice of Increase was not provided this tribunal do not have jurisdiction in the matter. Further, as discussed at the hearing should the tenant now consider an application for the 2021 Notice of Increase this would probably be time barred.

4. The tenant explained to the tribunal his current circumstances. Although he had received an amended Notice of Increase for 2021 delaying the date the increase would take effect from 31 July 2021 to 1 November 2021, that increase had taken effect from the earlier date. He was concerned that the landlord’s intention was to price him out of the tenancy. He was advised by the tribunal to consider seeking independent free advice from the Local Authority or Citizens Advice Bureau.

5. It is unfortunate that the landlord did not appear and made no representations to assist either the tribunal or the tenant to understand the situation.

Name: Duncan Jagger MRICS
Valuer Chair

Date: 8th December 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).