



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

Case reference : **LON/00BE/MNR/2020/0131**

**HMCTS code
(paper, video,
audio)** : **V: CVPREMOTE**

Property : **10 Tomline House, Union Street,
London, SE1 0ET**

Applicant : **Mr Art Terry**

Representative : **In person**

Respondent : **Grainger plc**

Representative : **No attendance**

Type of application : **Section 13 Housing act 1988**

**Tribunal
member(s)** : **Mr Charles Norman FRICS
Mr John Francis QPM**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of decision : **5 August 2021**

DECISION

Covid-19 pandemic: description of determination

This has been a remote determination. The form of remote determination was V: CVPREMOTE. A face-to-face hearing was not held because or it was not practicable. The documents that the Tribunal were referred to are in a bundle of 25 pages, the contents of which the Tribunal have noted.

Decision:

1. The Tribunal does not have jurisdiction to determine this application for the reasons stated below. The application is therefore STRUCK OUT.

Background:

2. On 2 November 2020 the Tribunal received an application under section 13 of the Housing Act 1988.
3. The landlords' section 13 notice proposed an increase in rent commencing on 1 November 2021. The landlord's notice was dated 27 August 2021.

The law:

4. Section 13(4) states:

Where a notice [a notice of increase] is served ...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 Tribunal]...” (emphasis added)

In R. v London Rent Assessment Committee Ex p. Lester [2003] H.L.R. 787, CA. the Court of Appeal held that *Refers* in this context means “hands over” and not “sends”. It held that a notice sent by post before the date on which the new rent took effect, but which arrived at the rent assessment committee [the predecessor to the Tribunal] after that date, was ineffective:

The Tribunal has no discretion to extend time under the Housing Act 1988.

Facts found:

5. The section 13 notice was referred to the Tribunal after the date when the new proposed rent took effect.

Reasons for the decision:

6. Accordingly, the Tribunal does not have jurisdiction to consider the notice of increase in rent.

Name: Mr C Norman FRICS

Date: 5 August 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).