



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

**Case Reference** : **MAN/36UF/MNR/2021/0017**

**Property** : **5 Kingsmill, Malton YO17 7DS**

**Applicant** : **Mr A Pitt**  
**Representative** : **None**

**Respondent** : **JWGW Property Investment Ltd**  
**Representative** : **Homebuyers Property Services**

**Type of Application** : **Referring a notice proposing a new rent under an Assured Periodic Tenancy Housing Act 1988 – S13(4)**

**Tribunal Members** : **Mr J A Platt FRICS, FIRPM**  
**Mr W Reynolds MRICS**

**Date of Decision** : **23 July 2021**

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**FINAL DECISION**

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## **DECISION**

1. The Tribunal issued a preliminary decision on 24 June 2021 inviting the parties to make representations on its proposal to strike out the application. No representations were received. The Respondent requested advice on the implementation of its notice proposing a new rent, in the event of a Tribunal decision to strike out the application. The Respondent has already been advised that the Tribunal cannot provide any advice on the implementation of its decision.
2. The Tribunal further considered its preliminary decision and decided to strike out the application. The Application is hereby struck out for the reasons given in the preliminary decision which is appended.

**J A Platt**  
**Tribunal Chairman**  
**23 July 2021**

## APPENDIX



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### **PRELIMINARY DECISION AND DIRECTIONS**

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## **THE APPLICATION**

1. The Tribunal received an application on 13 January 2021 referring a notice proposing a new rent under a periodic Assured Tenancy (“the Notice”). The tenancy was for a term of 2 months commencing on 16 October 2020 at a rent of £400 pcm. A copy of the tenancy agreement was provided.
2. The Notice was dated 16 December 2020 and proposed a new rent of £650 pcm from 16 January 2021.

## **THE EVIDENCE**

3. The Tribunal issued directions on 8 April 2021. The directions advised that the Tribunal proposed to assess a market rent without the need for an oral hearing and invited written representations on the level of rent the parties thought the Tribunal should fix. The directions advised the parties that they could request an oral hearing.
4. Both Parties provided written evidence. Neither party requested an oral hearing.
5. Mr Pitt’s evidence, dated 21 April 2021, included statements that he was the former tenant of the property which he had vacated on 13 March 2021.

## **DELIBERATIONS**

6. The Tribunal met remotely on 21 May 2021 to discuss the case. The Tribunal’s jurisdiction to determine a rent is contained within S14 Housing Act 1988. The Tribunal had particular regard to para (8) of S14:

*(8) Nothing in this section requires a tribunal to continue with their determination of a rent for a dwelling-house if the landlord and tenant give notice in writing that they no longer require such a determination or if the tenancy has come to an end.*

7. The Tribunal also had regard to The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (“the Rules”). The Overriding Objective requires the tribunal to deal with cases fairly and justly, which includes:

*3.(2) Dealing with a case fairly and justly includes—*

*(a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties and of the Tribunal;*

## **PRELIMINARY DETERMINATION**

8. The Tribunal are minded to dispose of this case in accordance with para 8, S14 of Housing Act 1988 and are minded to decide that determining a market rent for a tenancy which has come to an end, within 2 months of the date of the proposed new rent, is not a proportionate use of the resources of the parties and of the Tribunal.

9. The Tribunal proposes, subject to having regard to any representations of the parties, to strike out the Application under Rule 9, on the basis that:

*(3)(d) the Tribunal considers the proceedings or case ... to be frivolous*

## **DIRECTIONS**

10. Rule 9(4) states:

*(4) The Tribunal may not strike out the whole or a part of the proceedings or case under paragraph (2) or paragraph (3)(b) to (e) without first giving the parties an opportunity to make representations in relation to the proposed striking out.*

11. The parties are invited to submit representation in writing on the Tribunal's proposal to strike out the application.
12. Representations must be received by the Tribunal by **12 July 2021**. Any representations must be in writing. Due to the current situation, however, the Tribunal is asking all parties to send correspondence by email wherever possible.
13. All representations must be copied to the other party. If that is not possible, the Tribunal must be informed of the reasons why and they will be copied to the other party by the Tribunal.

**J A Platt**  
**Tribunal Chairman**