

LONDON RENT ASSESSMENT PANEL



Ref:

DECISION AND REASONS OF RENT ASSESSMENT COMMITTEE

HOUSING ACT 1988 Section 13

ADDRESS: 2 BRUNSWICK MANSIONS, HANDEL STREET
LONDON WC1N 1PE

Landlord: AVON ESTATES (LONDON) LTD
Represented by:

Tenant: MR M CLAPSON
Represented by:

Hearing date: 30 / 11 / 2006

Decision

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

Preliminary

An application was received by the Committee ... 12 September 2006 ... and the landlord
A hearing was offered ... for 30 November 2006 ... attended the tenant
~~hearing sent in written representations.~~

The Law

- Housing Act 1988
- (1) Section 13 (2) (as amended by the Regulatory Reform
(Assured Periodic Tenancies) (Rent Increases) Order 2003
inserted, in relation to England, by Statutory Instrument
2003/260].
- (11) Section 14 Housing Act 1988.

Facts found

The landlord's Notice Dated 23 August 2006 did not comply with the Regulations as on 10 October 2005, a Rent Assessment Committee determined an increase in the rent to take effect on ^{Saturday} 1 October 2005. ~~On~~ the landlord's Notice Dated 23 August 2006 proposed a new rent under this statutory periodic tenancy to take effect from Thursday 28 September 2006.

Reasons for Decision

* Please insert

Chairman

Mrs M Auld

Date

30 / 11 / 2006.

Committee

Mrs M Auld CB

Mr W J Reed FRCS

Mr E Goss

Insert Reasons for Decision . dated 23 August 2006
* The landlord's Notice is defective as it does not comply with S. 13 (3A) and (3B) ^{of the HSG Act 1988} inserted by Statutory Instrument 2003/259 in respect of Notices served under S. 13 (2) of the Act after 11 February 2003. This allows rent increases to take effect on a fixed day each year in a weekly tenancy.

The Notice is invalid as it takes effect less than 52 weeks from the date on which the last increase took effect by way of ^a termination under S. 14 by a Rent Assessment Committee.

The Rent Assessment Committee, therefore, ^{determines} ~~second~~ that it has no provision to consider the proposed new rent because the validity of an application is dependent upon the validity of the landlord's notice to which it refers. In practical terms, this means that the proposed new rent is not payable from the date specified.