

21 ELM TREE AVENUE,  
COVENTRY,  
WEST MIDLANDS  
CV4 9EU

CASE NUMBER BIR/OOCQ/MNR/2006/0143

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DECISION AS TO JURISDICTION

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BACKGROUND:

1. The Tenant of the above-mentioned property is Mrs DS Bernard and the Landlords are Harley Securities Ltd, Ms Patricia Cove and Ms Victoria Sumray. The Landlord's agents are Brickman Yale, Chartered Surveyors.
2. The current tenancy which is an assured periodic tenancy, commenced in March 1992 when Mrs Bernard succeeded to the tenancy on the death of her grandmother.
3. The Tenant of the subject property applied to the Midland Rent Assessment Panel referring a notice under Section 13 (4) Housing Act 1988 served upon her by the Landlord proposing a new rent of £450.00 per month. The Tenant's notice is dated 24<sup>th</sup> August 2006 and was received by the Panel Office on the 25<sup>th</sup> August 2006. The Landlord's notice proposing a new rent is dated 21<sup>st</sup> August 2006 and the new rent proposed was due to commence on the 26<sup>th</sup> August 2006.
4. On the 8<sup>th</sup> September 2006 the Midland Rent Assessment panel office wrote to the parties informing them that the preliminary opinion of the procedural chair was that there might not be jurisdiction to consider the matter due to the validity of the Landlord's notice.

They were informed that an oral preliminary hearing would take place on the 11<sup>th</sup> October 2006 to determine the matter and they were advised as to their respective right to attend and or submit written representations.

5. Neither party requested a hearing and no written representations were received from either party. On the 25<sup>th</sup> September 2006 the Midland Rent Assessment panel office wrote to the parties to inform them that the Committee would meet to determine the matter in private on the 11<sup>th</sup> October 2006.

DETERMINATION:

6. The Committee determined that: -
- a) The Landlord's notice proposing a new rent gives less than the minimum required for the tenancy which appears to be a period of one month [Section 13 (2) and (3) Housing Act 1988];
  - b) No guidance notes were attached to the Landlord's notice.
7. By reason of the above mentioned factors the Committee therefore determined that the Landlord's Notice served by the Landlord in this matter was not in the prescribed form and accordingly was an invalid notice for the purposes of section 13(2) Housing Act 1988; and that the Committee has no jurisdiction to make a determination under section 14 of the 1988 Act on the Tenant's application dated 24<sup>th</sup> August 2006.

Mrs P Dhadli  
Legal Chairperson.  
11<sup>th</sup> October 2006.



Clerk to the Committee: Damian Bradley