

REASONS FOR DECISION
28 CHADWICK CLOSE NEWBOLD VERDON LEICESTERSHIRE

Jurisdiction: The Housing Act 1988 Section 13

Parties:-

Landlord: Leicester Housing Association

Tenant: Mrs Joan Harris

1. The hearing concerned the time in which a tenant may refer a Notice proposing a new rent under an assured periodic tenancy to a Rent Assessment Committee.

2. By Section 13(4) of The Housing Act 1988 if a landlord serves a Notice on an assured tenant under Section 13(2) of the Act proposing an increase in rent, that will be the rent unless, by Section 13(4). *"before the beginning of the new period specified in the Notice.....the tenant by an application in prescribed form refers the Notice to a Rent Assessment Committee"*.

3. **The Facts**


The landlord's Notice to the tenant is dated 25th February 2003 and states *"the starting date for the new rent will be 1st April 2003"*

4. The tenants application referring the Notice proposing the new rent to the Rent Assessment Committee is dated 5th April 2003 being a Saturday. This Notice was stamped as being received by the Midland Rent Assessment Panel on 7th April 2003.

5. **Determination**

The Committee concluded that the tenants application was not received by the RAC before the date when the new rent specified in the Notice of Increase was to take effect.

The Committee therefore decided that the application was out of time and that it does not have jurisdiction to consider the rent. The Committee further determined that they do not have any discretion in this matter.

Signed:..........
William G T Vaughan, Chairman

Midland Rent Assessment Panel

25 JUN 2003