

21 LARKSPUR AVENUE  
REDHILL  
NOTTINGHAM  
NGS 8JU

CASE NUMBER BIR/37UE/MNR/2006/0139

---

DECISION AS TO JURISDICTION

---

BACKGROUND

1. The Tenants of the above-mentioned property are William Adrian Carter and Jo-Anne Claire Beadle and the Landlord is Richard Steven Williams.
2. The Tenancy in respect of the above-motined property commenced on the 10<sup>th</sup> March 1998 and is an assured Shorthold Tenancy under the Housing Act 1988, the rent is payable monthly.
3. On the 14<sup>th</sup> Augusts 2006 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 them by the Landlord proposing a new rent of £430.00 per month. The Landlord's notice is dated 25<sup>th</sup> July 2006 and the new rent proposed was due to commence on the 25<sup>th</sup> September 2006.
4. On the 1<sup>st</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 5<sup>th</sup> October to dertermine the matter and they were advised as to their respective right to attend and or submit written representations.

5. Both parties indicated to the panel Office that they would not be attending the scheduled hearing.

## DETERMINATION

6. A preliminary hearing was held on the 5<sup>th</sup> October 2006 to determine whether the notice served by the Landlord on the Tenant was valid and whether the Committee had jurisdiction to proceed to a determination under section 14 Housing Act 1988. Neither party nor representative attended the hearing.
7. The Committee determined that: -
  - a) The Landlord's notice was not in the prescribed format necessary for section 13 (2) Housing Act 1988 in that it did not contain the full guidance notes for the tenant.
  - b) The new rent proposed does not take effect at the commencement of a new period of the tenancy in compliance with section 13 2 (b) Housing Act 1988.
8. 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 the Committee has no jurisdiction to make a determination under section 14 of the 1988 Act on the Tenant's applicaiton dated 12<sup>th</sup> August 2006.

Mrs P Dhadli  
Legal Chairperson.

**11 OCT 2006**



Clerk to the Committee: Azra Ahmed.