

MIDLAND RENT ASSESSMENT COMMITTEE
BIR/00CN/MNR/2006/0159

Housing Act 1988

COMMITTEE MEMBERS

Mr A.J. ENGEL (Chairman)
Mr R.COOPER
Mrs C.SMITH

Landlord:- Bourneville Village Trust

Tenant:- Mr R. Johnson

Premises:- 28, Alder Lane,
Bourneville,
Birmingham
B30 1QQ

DECISION

The Committee has no jurisdiction to determine the rent.

REASONS

1. The Landlord served a Notice (the Notice), dated 23rd November 2006, on the Tenant, proposing a new rent of £59-88p per week (in place of the existing rent of £55-32p per week) starting on 23rd December 2006 – in purported pursuance of Section 13(2) of the Housing Act 1988 (the Act).
2. The Tenant referred the matter to the Rent Assessment Committee pursuant to Section 13(4)(a) of the Act.

3. Section 13(2) of the Act provides:-

“ For the purpose of securing an increase in the rent under a tenancy to which this section applies, the landlord may serve on the tenant a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy specified in the notice, being a period beginning not earlier than –

(a) the minimum period after the date of service of the notice;”

4. Section 13(3)(b) of the Act provides that the minimum period is one month.

5. Accordingly, there must be a period of one month between the date of service of the Notice and the date on which it is proposed the new rent shall take effect.

6. In this case, the Notice is dated 23rd November 2006. The inference is that the Notice was served on 24th November 2006 – at the earliest and probably thereafter.

7. Accordingly, the Committee finds as a fact that one month did not elapse between the date on which the Notice was served and 23rd December 2006.

8. Thus, the Notice is invalid.

Signed



(A.J.ENGEL – Chairman)

Dated – 26th January 2007