

4 MANSFIELD ROAD, KILAMARSH, SHEFFIELD S21 2BX

DECISION OF THE RENT ASSESSMENT COMMITTEE FOR THE MIDLAND
RENT ASSESSMENT PANEL AS TO ITS JURISDICTION TO DETERMINE
A MARKET RENT UNDER SECTION 14 OF THE HOUSING ACT 1988

1. Miss Wells holds an assured periodic tenancy from Mr Windle, who has served her with a notice proposing a new rent to take effect on 17 April 2005. The tenant has referred the matter to the committee for a determination of the rent. The notice is signed by the landlord's agent but is undated, and the committee has been asked to determine whether the notice is valid. The parties were offered a hearing and the opportunity to submit written representations on the point but did not do so. Indeed the landlord informed the Panel Case Officer by telephone that he proposed to serve a fresh notice. The application referring the landlord's notice to the committee has, however, not been formally withdrawn and we are thus required to determine whether we have jurisdiction to entertain it.

2. Paragraph 12 of the guidance notice which form part of the form prescribed by the Regulatory Reform (Assured Periodic Tenancies)(Rent Increases) Order 2003 for the purpose of section 13(2) of the Housing Act 1988 require the landlord or his agent to sign and date the notice of increase. However, the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 provide that such a notice must be in the form prescribed or in a form "substantially to the same effect". Not all deviations from the prescribed form will render the notice invalid, and it is a question of fact in each case whether any departure from the prescribed form renders the notice invalid .

3. In this case we consider that the form is invalid. The date on the form is not a mere technicality, because it enables the tenant and the committee to judge whether the landlord has given the tenant sufficient notice for the purpose of subsections 13(2) and (3) of the 1988 Act. We determine that the landlord's notice was defective and if the landlord wishes to increase the rent he must serve a fresh notice which the tenant must, if she wishes to ask the committee to determine the rent, refer to the committee by way of a fresh application under section 13(4) of the 1988 Act.

CHAIRMAN.....

DATE.....21 May 2005

Committee: Lady Wilson
Mr P Swift FRICS
Mrs K Bentley