

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE
LONDON RENT ASSESSMENT PANEL**

Ref: LON/OOAK/MNR/2003/0210

Sections 13 and 14 of the Housing Act 1988

Address: 39 Beech Hill
Hadley Wood
Hertfordshire EN4 0JN

Applicant: Mr Lennox Lewis

Represented by: Tim Harry (counsel)
Andrew Forbes and Karen Whitehead
of Forbes Anderson (solicitors)

Respondents: Ntinos Karis and Menelaos Menelaou
(personal representatives of Aristos Kaissides)

Represented by: Colin Young
of Boodle Hatfield (solicitors)

Date of Hearing: November 3, 2003

Committee: Siobhan McGrath (Chairman)
Jerry Sharma JP FRICS
Owen Miller

DECISION
OF
RENT ASSESSMENT COMMITTEE

Address: 39 Beech Hill
Hadley Wood
Hertfordshire EN4 0JN

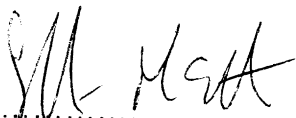
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1. This is an application under section 13 of the Housing Act 1988. On the information available, it appears that the tenant in this case, Mr Lennox Lewis occupies the house at the above address, as an assured tenant. There is a dispute about the identity of his landlord.
2. By a notice dated August 26, 2003, an increase in Mr. Lewis's rent from £1,500 to £6,000 per month was proposed by Ntinios Karis and Menelaos Menelaou (Personal Representatives of Aristos Kaissides deceased). The notice stated that the new rent was to be effective from October 1, 2003. By an application received on September 29, 2003, Mr Lewis's representatives referred that notice for the consideration of a rent assessment committee under section 13(4)(a) of the 1988 Act without prejudice to their contention that the notice was served by or on behalf of a person other than the landlord.
3. Before a committee is able to proceed to consider the rental value of a property it must be satisfied that it has jurisdiction to do so. A preliminary hearing was arranged to consider this matter on November 3, 2003.
4. It is common ground between the parties that there is a real and substantial dispute as to the identity of the landlord in this case. It is also agreed by the parties that the issue should be resolved by the Court and not by the rent assessment committee. Having regard to the documentation provided by the parties and the fact that any determination of the issue would require decisions to be made on both contentious evidence and submissions of law, the committee accepts that it would not be competent to determine the identity of the landlord.
5. On that basis Mr Lewis's representatives applied for a stay of the committee's consideration of the referral pending a determination on the issue by the High Court. That application was opposed.
6. On behalf of Mr Lewis it was argued that to proceed with the referral would mean that the parties may incur unnecessary costs in respect of proceedings that could potentially be a nullity; that as a matter of public

interest the committee should not convene to decide a hypothetical matter and that there had been no previous indication that there was urgency in securing a rent increase. On behalf of the (disputed) landlord it was submitted that it would be unjust not to proceed with the determination since the landlord would suffer prejudice as a result of delay. It was also stated that the landlord would not seek to argue that the committee's decision was binding on the issue of the true identity of the landlord in any subsequent proceedings. However, if the committee did proceed to determine the rent, the landlord would act upon that determination.

7. In the event the committee decided to stay the referral for the following reasons:
- (a) It was satisfied that the prejudice that might be caused to the tenant by the committee proceeding to a determination, outweighed any prejudice that might be caused to the landlord. In particular, if the committee did determine a rent, there was a real possibility in this case that it might exceed £25,000 which would deprive the tenant of his assured status causing further complication in what is already a very complex matter. Also, any future determination of the market rent would take effect from October 1, 2003 subject only to any consideration of hardship under section 14(7) of the 1988 Act;
 - (b) It was satisfied that the issues between the parties were real and substantial and that this was not a case where the tenant was merely adopting delaying tactics. In those circumstances it would not be appropriate for the committee to make a decision which may be a nullity;
 - (c) It did not consider that it would be appropriate to make a decision which would be treated as being enforceable by the landlord when in fact it was conditional upon a decision of the court.
8. Accordingly, the application will be stayed pending a determination by the Court of the status of the respective parties. The committee is not content to have the matter stayed indefinitely. Therefore unless the tenant issues relevant Court proceedings by Monday January 5, 2004, the application will be listed for hearing. The tenant is to notify the Panel when proceedings have been issued and must give, so far as is practicable, an estimate of when they are likely to be concluded.

Chairman



Dated

3.11.03