

THE MIDLANDS RENT ASSESSMENT PANEL

DECISION AS TO JURISDICTION

Premises: **145 Kitwood Avenue, Tamworth, Staffordshire B78 1PF**

1. The tenant, Ms Briggs, took an assured shorthold tenancy of 145 Kitwood Avenue for a period of six months from 27 September 2003, expiring on 26 March 2004, at a rent of £440 per month. At the end of the tenancy it appears that she remained in possession as an assured shorthold periodic tenant until 1 June 2004 when she was granted a further assured shorthold tenancy of the property for six months from 1 June 2004 at a rent of £450 per month.

2. By a notice dated 22 June 2004 the tenant purported to refer the increased rent under her second fixed term tenancy to a rent assessment committee under section 13(4) of the Housing Act 1988. A hearing was arranged for 23 August 2004 at 2pm to consider whether the committee had jurisdiction to consider the tenant's reference. Neither the tenant nor landlord attended.

3. We are satisfied that the tenant's notice is misconceived and that the committee has no jurisdiction to determine the rent. The procedure set out in section 13 of the 1988 Act applies only to assured statutory or periodic tenancies where the landlord has served a notice under section 13(2) proposing a new rent. It does not apply to assured shorthold fixed term tenancies. The landlord is entitled to increase the rent for the new fixed term assured shorthold tenancy without reference to a rent assessment committee. Nor may the tenant apply under section 22(1) of the 1988 Act, since more than six months have elapsed since the beginning of the original tenancy (section 22(2)(aa)).

CHAIRMAN.....

DATE..... 29 June 2004

Tribunal: **Lady Wilson**
 Mr D Satchwell FRICS
 Mrs N Jukes JP