

**5 WHITBY CLOSE, STAFFORD ST17 9FZ**

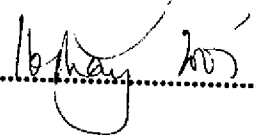
**DECISION OF THE RENT ASSESSMENT COMMITTEE FOR THE MIDLAND  
RENT ASSESSMENT PANEL AS TO ITS JURISDICTION TO DETERMINE  
A MARKET RENT UNDER SECTION 14 OF THE HOUSING ACT 1988**

1. Mr and Mrs Fowlie hold an assured periodic tenancy from Accent North West Limited as successor to Bradford and Northern Housing Association Limited.
2. By a notice given under section 13(2) of the Housing Act 1988 ("the Act") the landlord proposed a new rent from 28 March 2005. By an application received by the Rent Assessment Panel on 23 March 2005 the tenants referred the matter to the committee as they are by section 13(4)(a) entitled to do. Unfortunately they used for that purpose the form appropriate to the reference of excessive rents for assured shorthold tenancies to a rent assessment committee under section 22 of the Act, that form having been sent to them by the Panel Office.
3. The question was raised as to whether the committee has jurisdiction to consider the objection since the form referring the matter to it was not the "prescribed form" as section 13(4)(a) requires.
4. The use of the wrong form was a clear and obvious error caused by an administrative lapse by the Panel. It would be a gross miscarriage of justice if the tenants were deprived of their right to challenge the rent proposed by the landlord in these circumstances. No-one has been misled.

There has never been any doubt that this is an assured periodic tenancy to which the statutory procedure set out in sections 13 and 14 of the Act applies, and not any assured shorthold tenancy. The form used, though wrongly headed, contains all the information which would have been required of the tenants if they had been sent and had used the correct form. We hold that the form is "substantially to the same effect" as the correct form, as required by the Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) Regulations 1997.

5. This matter may therefore proceed to a determination of the rent.

CHAIRMAN.....

DATE.....

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Committee: Lady Wilson

Mr M Williams FRICS

Mr D Douglas