

IN THE SOUTHERN RENT ASSESSMENT PANEL

CHI/43UM/MNR/2006/0074

BETWEEN:

**(1) MR M HUSSAIN
(2) MRS S NAZIR HUSSAIN**

Applicants

-and-

LONDON & QUADRANT HOUSING TRUST

Respondent

THE COMMITTEE'S DECISION

Background

1. This is a reference by the tenants, Mr and Mrs Hussain, of a landlord's notice dated 13 February 2006 proposing a new rent for the premises known as 4 Barton Close, Knaphill, Woking Surrey, GU21 2FD. The landlord is London and Quadrant Housing Trust, the Respondent in this matter.
2. The Applicants occupy the subject premises by virtue of tenancy agreement signed by the parties on 31 July 2002 ("the tenancy agreement"). The tenancy agreement expressly granted the Applicants an assured weekly periodic tenancy commencing on Monday 5 August 2002.

3. By a notice dated 13 February 2006 served pursuant to s.13(2) of the Housing Act 1988 (as amended) (“the Act”), the Respondent proposed to increase the weekly rent to £118.43, in place of the existing rent of £112.81 per week, with effect from 3 April 2006.
4. On 20 April 2006, the Applicants initially referred this matter to the London Rent Assessment Panel pursuant to s.13(4) of the Housing Act 1988 (as amended) (“the Act”) for a determination of the rent under s.14(1). However, the subject premises is not located within the jurisdiction of the London Panel and the referral was forwarded to the Southern Rent Assessment Panel on 28 April 2006.

Decision

5. The Committee’s determination took place on 22 June 2006. There was no hearing in this matter and the Committee’s determination is based solely on the documentary evidence before it.
6. The Tribunal found that it did not have jurisdiction to deal with the referral made by the Applicant under s.13(4) of the Act because the Applicants referral was made out of time.
7. Section 13(4) of the Act provides that:

“...the new rent specified in the notice shall take effect as mentioned in the notice unless, before the beginning of the new period specified in the notice

(a) *the tenant...refers the notice to a rent assessment committee...* ”

8. The effect of the section is that a tenant has to refer the landlord's notice of the proposed rent increase *before* the date the increase takes effect. In this instance, the date for the proposed increase in the rent as set out in the Respondent's s.13(2) notice was 3 April 2006. The Applicants, albeit incorrect referral, was made to the London Panel on 20 April 2006 and was well out of time. In a letter dated 4 May 2006, the Applicants explain that the delay was caused by the death of a close family relative. Whilst understandable, unfortunately, the Committee has no discretion under s.14 of the Act to grant an extension of time for any referral made under s.13(4) after the date for the proposed increased rent to take effect.
9. The Committee's jurisdiction to make a determination of the rent under s.14 of the Act is entirely statutory. If a referral is not properly made by a tenant under s.13(4), then the Committee has no jurisdiction under the Act to determine the rent. The Committee has already found that the referral made by the Applicants in this matter was not in accordance with s.13(4) because it was out of time. Accordingly, the Committee concluded that it had no jurisdiction to determine the rent in this matter and the Respondent's proposed rent increase takes effect from 3 April 2006.

Dated the 22 day of June 2006

CHAIRMAN.....I. Mohabir.....

Mr I Mohabir LLB (Hons)