



Brook House Farm

The Committee met on the 8<sup>th</sup> August 2006-08- for an oral preliminary hearing.

Neither party attended. The committee were in possession of a bundle of correspondence between the parties, and written representations from Messrs Smith Gore on behalf of the Landlord

The Landlord issues a letter to the Tenants on the 12<sup>th</sup> May 2006 purporting to give notice of a rent rise backdated to the 2<sup>nd</sup> of February 2006.

This was followed by a second letter confirming the rent rise dated the 16<sup>th</sup> June 2006. This letter was labelled without prejudice – the Committee cannot consider correspondence which is marked without prejudice between the parties, and have therefore relied on the first letter dated 12<sup>th</sup> May 2006 as the purported notice of rent increase.

The Tenant made application to the Panel on the 27<sup>th</sup> June 2006. If the Landlord's notice is in order, then the tenant's application referring the rent to the Committee is out of time.

The tenancy is, according to the Landlord and not disputed by the Tenant, a quarterly Assured Periodic Tenancy – and as such is governed by s.13 and s.14 of the Housing Act 1977

In order to secure an increase in the rent to a tenancy governed by s.13, the Landlord must serve a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy specified in the notice – being not less than the minimum period after the date of the service of the notice. In this case the minimum period will be a period equal to the period of the tenancy, which is quarterly.

The prescribed form is set out in the schedule to the Assured Tenancies and Agricultural Occupancies (Forms) (Amendment) (England) Regulations 2003. This form includes guidance notes for tenants.

The Landlord's letter of the 12<sup>th</sup> May 2006 does not comply with the prescribed form in several material details – in particular, the letter does not give one quarter's notice of the start date for the new rent, and further it does not include the guidance notes for the tenant as required.

The Committee has concluded therefore that it does not have jurisdiction.

Mrs S Bain- Warren  
Chairman  
8<sup>th</sup> September 2006