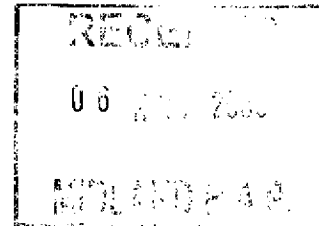


Date: 5 November 2003
Our Reference: APB/MAP
Your Reference:
Please ask for: Tony Bell

Ms Claire Jones
Midland Rent Assessment Panel
2nd Floor East Wing
Ladywood House
45-46 Stephenson Street
Birmingham B2 4DH



Dear Claire

6A Beauchamp Avenue Birmingham

Further to my e-mail of to-day's date I now enclose as promised a hard copy of the determination together with my claim form and VAT Invoice.

Yours sincerely

A P BELL

Enclosures: Determination
Claim Form
Vat Invoice



Knight & Sons
The Brampton
Newcastle-under-Lyme
Staffordshire
ST5 0QW

Telephone
01782 619225

Direct Dial
01782 349535

Facsimile
01782 661118

Email
tony.bell
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Website
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DX 711120
Newcastle-under-Lyme

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Henry Davenport ACA

Director of Finance
Susan Carnwell FCA

Notary Public
Cindy Quirk



INVESTORS IN PEOPLE

MIDLAND RENT ASSESSMENT PANEL

Ref: BIR/00CN/MDR/2003/0006


DETERMINATION AS TO JURISDICTION OF A RENT ASSESSMENT COMMITTEE IN RESPECT OF 6A BEAUCHAMP AVENUE BIRMINGHAM WEST MIDLANDS B20 1DR

Introduction

1. This case concerns a preliminary issue as to the jurisdiction of a Rent Assessment Committee to make a determination under section 14 of the Housing Act 1988 ("the 1988 Act").
2. The tenant, Ms C De Keruzec, holds the subject property under an assured periodic tenancy under the 1988 Act. The landlord of the property is Mr B Greatrex.
3. On the 16 August 2003 the landlord wrote to the tenant stating that he proposed to increase the rent on 6A Beauchamp Avenue to £425.00 per month. The landlord then sent Form RAP6 dated the 10 September 2003 to the Rent Assessment Committee with the intention, no doubt, as expressed in the landlord's earlier letter of the 16 August 2003, of increasing the rent.
4. The preliminary issue as to jurisdiction arises because section 13(2) of the 1988 Act provides that a landlord who wishes to secure an increase in the rent may do so by serving on the tenant a Notice in the prescribed form.
5. In the present case the form used by the landlord was not the form prescribed by Section 13 (2) of the 1988 Act but was the form prescribed by Section 22(1) of the 1988 Act which allows a tenant under an assured shorthold tenancy to make, in certain circumstances, an application in the prescribed form to a Rent Assessment Committee for a determination of the rent which the landlord might reasonably be expected to obtain under the assured shorthold tenancy.
6. The issue for determination is whether the notice given by the landlord in the present case is valid.
7. A Rent Assessment Committee was constituted for the purposes of determining the preliminary issue and the hearing was held on 4 November 2003. Neither party attended the hearing nor was either party represented.

Determination of the Committee

The Committee determine that the form of Notice served by the landlord in this case was not that prescribed by section 13(2) of the 1988 Act and accordingly the landlord's application was invalid.

Signed 

Anthony Peter Bell

Dated **4 November 2003**