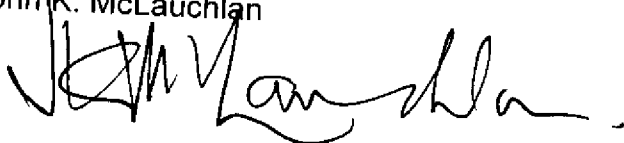


RENT ASSESSMENT COMMITTEE
Housing Act 1988 s.13

Decision Notice Regarding 43 Midland Road Ellistown Coalville Leicestershire LE67
1EG

- 1 By a verbal agreement made between a Mr T Cartwright a predecessor in title
of the present Landlord, The Northumberland and Durham Property Trust
Limited, and the Tenant Mr. C M Armston the subject property was let on a
weekly tenancy commencing on 1st.October 1994.
- 2 On 23rd August 2006 the present Landlord's agent, Nicholas Richardson,
served on the Tenant a Notice proposing a new rent of £80.00 per week to be
payable from 23rd October 2006
- 3 Section 13(2) of the Housing Act 1988 (the Act) provides that for the purpose
of securing an increase in the rent under a tenancy to which this section
applies the landlord may serve on the tenant 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.
- 4 Section 13(3) of the Act provides that the minimum period referred to in
section 13(2) is for the purposes of this tenancy 1 month.
- 5 Section 13(4) provides that the new rent specified in such a notice shall take
effect unless before the beginning of the new period specified in the notice the
tenant refers the notice to a rent assessment committee.
- 6 On 20th.October 2006, which was a Friday the Tenant made an Application to
refer the Landlord's Notice to a Rent Assessment Committee. This Application
was dispatched by First Class Recorded Delivery post. It was received at the
Panel Offices on 23rd October 2006 which was a Monday
- 7 A preliminary issue as to jurisdiction arises because section 13(4) provides the
Tenant must make his reference before the beginning of the new period
specified in the Landlord's Notice. The issue for determination is whether the
Tenant has made his reference in time.
- 8 On 28th November 2006 a Rent Assessment Committee met to consider these
matters and a hearing was held at the subject property on that day The
Tenant was present but the Landlord was not and was not represented.
- 9 On 12 March 2003 this issue was considered by the Court of Appeal in the
case of Lester v The London Rent Assessment Panel where it was
strenuously argued on behalf of the tenant that it was sufficient if her
reference was posted before the beginning of the new period. However the
Court after considering the issue in great detail held that "refer" must mean
"deliver".
- 10 In the light of that Court of Appeal decision the Committee are left with no
alternative but to determine that the Tenant did not make his reference before
the beginning of the new period and therefore they have no jurisdiction in this
matter

John K. McLauchlan



Chairman

Dated 30th November 2006

Committee Members

CH. Mr. J.K. McLauchlan

V. Mr. J.E. Ravenhill

LM. Mrs N Jukes

Clerk Mrs. K. Thompson