

LONDON RENT ASSESSMENT PANEL

LMR13/037/102/03

DECISION OF RENT ASSESSMENT COMMITTEE

HOUSING ACT 1988 Section 13

ADDRESS: Flat 5, 3 Park Road, Wallington
Surrey, SM6 8AALandlord: Croydon Churches Housing
Association

Tenant: Ms J D'Sa

1. This was an Application by the Tenant, Ms Janet D'Sa, referring the Notice under Section 13 of the Housing Act 1988, dated 4 March 2003 served on her by her Landlord, Croydon Churches Housing Association, requiring a new rent of £118.84 per week from 7 April 2003. Written representations were received from both parties, and a Hearing was fixed for Thursday 10 July 2003.
2. At the Hearing the Tenant did not attend and was not represented; Mr Winslett and Ms McGuinness attended for the Landlord.
3. According to the copy Tenancy Agreement supplied, dated 12 October 1995, there was no power to levy a support charge against the Tenant. In evidence, the Landlord stated that a later agreement had been signed, but this was not produced; and a third tenancy agreement, giving such a power to levy a support charge, had not been signed by the Tenant.
4. The Section 13 Notice purported to claim that the new rent required included Fixed Service Charges of £58.19 per week. In evidence it was explained by the Landlord that the figure actually represented service charges of £21.67, a rent of £60.65, and £35.52 for support charge. These figures were set out in a sheet dated 28 February 2003 and were stated not to constitute part of the Section 13 Notice.
5. Notwithstanding the Hearing which took place and the external inspection which we carried out later in the day, the Committee deemed it was necessary to consider the evidence as a preliminary matter in relation to the question of jurisdiction. We determined that the Section 13 Notice was unclear, in that it failed to refer to the existing rent of £85 per week, including services, determined by the Rent Assessment Panel on 11 July 2002, and contained no clear information as to the amount of support charge being claimed. In addition the Committee determined in the light of the evidence concerning the Tenancy Agreement that the Landlord had no power to claim such support charge.

6. For these reasons the Committee had no jurisdiction to consider the Tenant's Application, which must accordingly be dismissed.
 7. It is directed by the Committee that the Landlord should notify the Tenant that the effect of this dismissal is that the rental including service charges, determined on 11 July 2002 should continue.
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COMMITTEE:

Mrs T J Gordon
Mrs E Flint DMS FRICS IRRV
Mr D Wilson JP

Chairman ...T J Gordon.....

Date ... 21 July 2003.....

LMR 65/91