

THE MIDLAND RENT ASSESSMENT PANEL

**Determination as to Jurisdiction of a Rent Assessment Committee in respect of 17
Chewton Street, Eastwood, Nottingham, NG16 3GY**

Landlord: Mr I Cooke and Ms S Crane

Tenant: Miss S Winter

Committee Members: Miss T N Jackson (Chair)
Mr K G Bloor FRICS
Miss B Granger

1. Introduction

- 1.1 This case concerns a preliminary issue as to the jurisdiction of a Rent Assessment Committee to make a determination under Section 22 of the Housing Act 1988 ("the 1988 Act").
- 1.2 The tenant, Ms Winter holds the subject property under an assured shorthold tenancy which commenced on the 1 May 2003 for a term of 10 years reviewable after 5 years at a rent of £300 per calendar month reviewable yearly.
- 1.3 By letter dated 5 June 2005, the landlord reminded the tenant that by letter dated 13 March 2004 the rent was due to increase to £400 per calendar month from the 1 June 2005.
- 1.4 By application dated 14 June 2005 the tenant applied to the Rent Assessment Committee for determination of rent under an assured shorthold tenancy.

2. Issue

- 2.1 The issue for determination is whether the application to the Rent Assessment Committee was made within time.
- 2.2 A Rent Assessment Committee was constituted for the purposes of determining the preliminary issue and the hearing was held on 23 August 2005. Neither party were present or represented.

3. The Law

- 3.1 Section 22 of the 1988 Act states:-

"(2) No application may be made under this section if: -

...[(aa) the tenancy is one to which section 19A above applies and more than 6 months have elapsed since the beginning of the tenancy or, in the case of a replacement tenancy, since the beginning of the original tenancy;...]

- 3.2 Section 19A of the 1988 Act refers to an assured shorthold tenancy commencing on or after the 28 February 1997.
- 3.3 In this case assured shorthold tenancy commenced on the 1 April 2003 and the application for determination of the rent was made to the Rent Assessment Committee on the 14 June 2005 i.e. more than 6 months after the beginning of the tenancy which is an assured shorthold tenancy commencing after the 28 February 1997.

4. Determination

- 4.1 As this is an assured shorthold tenancy commencing after the 28 February 1997 and more than 6 months has elapsed between the beginning of the tenancy and the application to the Rent Assessment Committee, the Tribunal determines that the application is out of time and the Rent Assessment Committee does not have jurisdiction to consider the matter.

N Jackson

N Jackson (Chair)

29 SEP 2005