

LONDON RENT ASSESSMENT PANEL

REF: LON/00AY/MNR/2006/0262

DECISION AND REASONS OF THE RENT ASSESSMENT COMMITTEE HOUSING ACT 1988 SECTION 13

Address: 9 Montgomery House, 164-166 Kennington Road, London SE11 6QX

Landlord : Lambeth & Southwark Housing Association Ltd

Tenant : Mr Carl Chamberlain

Hearing Date : 24 November 2006

DECISION

The Committee does not have jurisdiction to determine this application for the reasons stated below.

PRELIMINARY

An application was received by the Committee on 28 September 2006 pursuant to section 13 of the Housing Act 1988.. Neither party requested a hearing and written representations dated 21 November 2006 were received from the tenant. The application was therefore considered at a meeting on 24 November 2006 when the Committee formed the initial view that it may not have jurisdiction to consider the application. Written submissions were invited from the parties on the issue of jurisdiction by 8 December 2006 but none were received and the Committee has now after considering this issue again issued this decision.

THE LAW

Section 13(2) of the Housing Act 1988 provides that

"For the purposes 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"

FACTS FOUND AND REASONS FOR DECISION

The landlord's notice which was dated 24 August 2006 proposed a new weekly rent of £65.18 with effect from 2 October 2006. From the copy tenancy agreement provided however dated 15 February 1990 the Committee noted that the tenancy is an assured monthly rather than weekly tenancy which commenced on 19 January 1990.

The notice does not propose a new rent to take effect at the beginning of a new period of the tenancy, that is by reference to a new monthly period and the notice is therefore defective. The practical effect of this is that the new proposed rent is not payable from the date specified in the notice of 2 October 2006.

Chairman.....



Date.....

12 February 2007

Committee

Mrs S. O'Sullivan
Mrs E. Flint FRICS IRRV
Mrs J Clarke JP