

MIDLAND RENT ASSESSMENT COMMITTEE

DECISION NOTICE
AND REASONS

MEMBERS :-

MR. A. J. ENGEL (CHAIRMAN)
MR. D. J. JATCHWELL
MRS. E. EVERETT.

PROPERTY :-

73, CHINGFORD ROAD
LONGFORD
COVENTRY
CV6 6HA.

HOUSING ACT 1988

LANDLORD :- FOCUS HOUSING ASSOCIATION
LIMITED

TENANT :- MRS. LYNNETTE CLARKE.

1. AN ASSURED WEEKLY TENANCY OF THE PROPERTY WAS GRANTED BY THE LANDLORD TO THE TENANT, COMMENCING ON 28TH MARCH 1994.
2. BY LETTER, DATED 25TH FEBRUARY 2004, THE LANDLORD GAVE NOTICE TO THE TENANT THAT THE RENT OF THE PROPERTY WOULD INCREASE TO £80-17 FROM 5TH APRIL 2004.
3. BY NOTICE (IN THE PRESCRIBED FORM), ^{DATED 31ST MARCH 2004} THE TENANT REFERRED THE MATTER TO THE COMMITTEE.
4. BY LETTERS, DATED 27TH APRIL 2004, THE LANDLORD AND THE TENANT WERE INFORMED

(2)

THAT THE COMMITTEE WOULD MEET ON 27TH MAY 2004 TO CONSIDER WHETHER IT HAD JURISDICTION TO DETERMINE THE RENT (UNDER SECTION 14 OF THE HOUSING ACT 1988). IT WAS STATED THAT THERE WOULD BE AN ORAL HEARING ON 27TH MAY 2004 AND THAT WRITTEN REPRESENTATIONS WOULD ALSO BE MADE.

5. BY LETTERS, DATED 10TH MAY 2004, THE PARTIES WERE INFORMED OF THE TIME AND VENUE FOR THE ORAL HEARING.
6. NO WRITTEN REPRESENTATIONS WERE MADE AND NO-ONE APPEARED AT THE ORAL HEARING.
7. SECTION 13(2) OF THE HOUSING ACT 1988 PROVIDES THAT A LANDLORD'S NOTICE PROPOSING A NEW RENT SHALL BE IN THE PRESCRIBED FORM.
8. REGULATION 2 OF THE ASSURED TENANCIES AND AGRICULTURAL OCCUPANCIES (FORMS) REGULATIONS 1997 (AS AMENDED OR REPLACED) PROVIDES THAT THE FORM SHALL BE THAT SET OUT IN THE REGULATIONS (UNLESS) OR A FORM SUBSTANTIALLY TO THE SAME EFFECT.
9. THE LANDLORD'S LETTER (REFERRED TO AT NO 2. ABOVE) IS NOT IN THE PRESCRIBED FORM AND IT IS NOT IN A FORM SUBSTANTIALLY TO

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THE SAME EFFECT AS THE PRESCRIBED FORM. - IN PARTICULAR, NONE OF THE EXPLANATORY NOTES OF THE PRESCRIBED FORM WERE INCLUDED IN THE LANDLORD'S NOTICE.

10. ACCORDINGLY, THE LANDLORD'S NOTICE FAILED TO COMPLY WITH SECTION 13(2) OF THE HOUSING ACT 1988 WHICH MEANS THAT THE COMMITTEE HAD NO JURISDICTION TO DETERMINE THE RENT (UNDER SECTION 14 OF THE HOUSING ACT 1988).

11. IN THESE CIRCUMSTANCES, THE COMMITTEE HAD NOT CONSIDERED OTHER POSSIBLE DEFECTS IN THE LANDLORD'S NOTICE.

SIGNED,

A. J. Engel

(A. J. ENGEL)

CHAIRMAN

27th MAY 2004.

Midland Rent Assessment Committee
Decision Notice & Reasons

Members:

Mr. A.J. Engle (Chairman)
Mr. D.J. Satchwell
Mrs. E. Everett

Property:

73, Chingford Road,
Longford,
Coventry,
CV6 6HA

Housing Act 1988

Landlord :- Focus Housing Association Limited

Tenant :- Mrs. Lynnette Clarke.

1. An assured weekly tenancy of the above property was granted by the landlord to the tenant, commencing on 28th March 1994.
2. By letter, dated 25th February 2004, the landlord gave notice to the tenant that the rent of the property would increase to £80.17 from 5th April 2004.
3. By notice (in the prescribed form) dated 31st March 2004 the tenant referred the matter to the committee.
4. By letters dated 27th April 2004, the landlord and the tenant were informed that the committee would meet on the 27th May 2004 to consider whether it had jurisdiction to determine the rent (under section 14 of the Housing Act 1988). It was stated that there would be an oral hearing on 27th May 2004 and that written representations could have been made.
5. By letters, dated 10th May 2004, the parties were informed of the time and venue for the oral hearing.
6. No written representations were made and no one appeared at the hearing.
7. Section 13(2) of the housing act 1988 provisions that a landlords notice proposing a new rent shall be in the prescribed form.
8. Regulation 2 of the Assured Tenancies and Agricultural Occupancies (forms) Regulations 1997 (as amended or replaced) provides that the form shall be that set out in the regulations (schedule) or a form substantially to the same effect.

9. The landlord's letter (referred to at no.2 above) is not in the prescribed form and it is not in a form substantially to the same effect as the prescribed form. In particular, none of the explanatory notes of the prescribed form were included in the landlord's notice.
10. Accordingly, the landlords notice failed to comply with section 12(2) of the housing act 1988 which means that the committee has no jurisdiction to determine the rent (under section 14 of the Housing Act 1988).
11. In these circumstances, the committee has not considered other possible defects in the landlord's notice.

Chairman Mr A.J. Engle

Dated 27th May 2004

Midland Rent Assessment Committee
Decision Notice & Reasons

Members:

Mr. A.J. Engel (Chairman)
Mr. D.J. Satchwell
Mrs. E. Everett

Property:

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5. By letters, dated 10th May 2004, the parties were informed of the time and venue for the oral hearing.
6. No written representations were made and no one appeared at the oral hearing.
7. Section 13(2) of the Housing Act 1988 provides that a landlord's notice proposing a new rent shall be in the prescribed form.
8. Regulation 2 of the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 (as amended or replaced) provides that the form shall be that set out in the Regulations (Schedule) or a form substantially to the same effect.

9. The landlord's letter (referred to at no.2 above) is not in the prescribed form and it is not in a form substantially to the same effect as the prescribed form. In particular, none of the explanatory notes of the prescribed form were included in the landlord's notice.
10. Accordingly, the landlord's notice failed to comply with section 13(2) of the Housing Act 1988 which means that the Committee has no jurisdiction to determine the rent (under section 14 of the Housing Act 1988).
11. In these circumstances, the Committee has not considered other possible defects in the landlord's notice.

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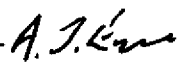
Signed


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Mr A.J. Engel
(Chairman)

Dated

3rd. June 2004

(Original handwritten document signed on 27th May 2004 -  - A.J.ENGEL)