

## **SOUTHERN LONDON RENT ASSESSMENT PANEL**



Ref: CHI/43UD/F77/2005/0052

### **DECISION AND REASONS OF RENT ASSESSMENT COMMITTEE**

#### **HOUSING ACT 1988 Section 13**

ADDRESS: 2 Salisbury Cottage, Merrow Street, Merrow, Guilford GU4 7AT

Landlord: South London Freeholders Ltd

Represented by: Hamways

Tenant: Miss G E Clarke

Represented by: -

Hearing date: 6<sup>th</sup> May 2005

#### **Decision**

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

#### **Preliminary**

An application was received by the Committee from the Tenant dated 5<sup>th</sup> April 2005. A hearing was offered on the 6<sup>th</sup> May 2005, neither party attended.

#### **The Law**

Section 13(2) Housing Act 1988 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"

### **Facts found**

- 1) The present tenant has a statutory tenancy by succession, having succeeded the tenancy of her late father, who had a regulated tenancy under the rent act 1977.
- 2) The succession of the tenancy took place on the 25<sup>th</sup> January 2003, being the date of death of the previous tenant.
- 3) The present tenant has a monthly periodic tenancy commencing on 25<sup>th</sup> of each month.

### **Reasons for Decision**

The Landlord's section 13 (2) notice purports to increase the rent on the 1<sup>st</sup> May 2005. As this is not the beginning of a new period of the tenancy, it does not comply with section 13(2) and is invalid. Accordingly, the Committee has no jurisdiction.

Chairman Mr I Mohabir

Date 23<sup>rd</sup> May 2005

### **Committee**

Mr I Mohabir.....

Mr D Lintott.....

Mrs J Playfair.....

LMR 05/AM