

Residential Property Tribunal

Housing Act 1985 - Schedule 5, paragraph 11

LON/00BG/RTB/2005/001

Applicant: Prince Tetteh and Theresa Ayertey

Respondents: Homes for Islington

Address|: 33 Almington Street, London, N4 3BG

Decision and Reasons

Decision

The Tribunal does not have jurisdiction to entertain the application since the respondent denied the applicants' right to buy on a basis other than paragraph 11 of schedule 5 to the Housing Act 1985. Accordingly the application is dismissed.

Reasons

1. On October 18, 2006, the applicants applied to the Tribunal for a determination as to whether the exception from the right to buy a dwelling house suitable for elderly persons applied to their home.
2. Where a person seeks to exercise the right to buy, and that right is denied, then they are provided with a form RTB2 which sets out the landlord's reasons for the denial. In this case, the applicant sent Part C of the form RTB2 to the Tribunal. Part C deals with cases where the right to buy is refused because the property is particularly suitable for occupation by elderly persons. In this case Part C was marked "Not Applicable" by Homes for Islington who are the respondents.
3. The respondents wrote to the Tribunal on November 10, 2006, explaining that the right to buy had not been denied on the basis that the property was particularly

suitable for occupation by elderly persons. Instead the reason for the refusal is included in part B of the form RTB2, a copy of which was provided for the Tribunal's information. This states that :

"In the opinion of the landlord you do not have the right to buy for the following reasons:

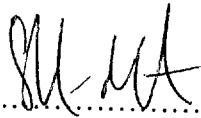
You do not hold a secure tenancy for the above property as defined by the Housing Act 1985, section 82, and therefore you are not eligible for the Right to Buy scheme"

4. The Tribunal has no power to decide whether or not a person holds a secure tenancy for this purpose. Its only jurisdiction stems from paragraph 11 of schedule 5 to the Housing Act 1985.

5. On December 18, 2006, the Tribunal informed the parties by letter, that it considered it did not have jurisdiction to deal with the case and invited further representations on the issue. No further representations were received.

6. The application is dismissed.

Chairman



Date:

22.1.07.

Tribunal:

Siobhan McGrath (Chairman)

Angus Andrew