

RENT ASSESSMENT COMMITTEE
Housing Act 1988 s.13

Decision Notice Regarding Flat 11, 50 Dover Street, Leicester LE1 6PL

- 1 By a Tenancy Agreement dated 23rd. September 1992 Leicester Housing Association Limited, the Landlord, let the property to the Tenant, Mr. Emmanuel Jakob Benham on a monthly tenancy commencing on 28th.September 1992.
- 2 On 18th.February 2006 the Landlord served on the Tenant a Notice proposing a new rent of £273.28 (which included a service charge of £32,26) per month to be payable from 28th.May 2006.
- 3 Section 13(2) of the Housing Act 1988 (the Act) 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 specified in the notice.
- 4 Section 13(3) of the Act provides that the minimum period referred to in section 13(2) is for the purposes of this tenancy one month.
- 5 Section 13(4) provides that the new rent specified in such a notice shall take effect unless before the beginning of the new period specified in the notice the tenant refers the notice to a rent assessment committee.
- 6 Section 45 of the Act provides that "prescribed" means prescribed by the regulations made by the Secretary of State by statutory instrument.
- 7 The form currently prescribed is Form 4B in The Assured Tenancies and Agricultural Occupancies, (Forms) (Amendment) (England) Regulations 2003. These regulations amend The Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997.
- 8 Regulation 2 of the 1997 Regulations provides that any reference to a numbered form is a reference to a form bearing that number in the schedule to those regulations or to a form substantially to the same effect.
- 9 Form 4B contains 17 numbered notes under the heading "Please read these notes carefully" The first 5 notes are under a sub heading "Guidance notes for Tenants", the next 7 notes are under a sub heading "Guidance notes for Landlords" and the remaining notes are under a sub heading "When the proposed new rent can start".
- 10 On the 9th.April 2006 the Tenant made an Application to refer the Landlord's Notice of Increase of Rent to a Rent Assessment Committee.
- 11 On 24th.May 2006 a Rent Assessment Committee met to consider these matters. Having regard to the terms of the original tenancy agreement and the statutory requirements, the Committee determined that the Notice of Increase of Rent dated 18th.February 2006 was invalid because it contained two inaccurate statements which were most material to the Tenant in understanding his financial commitment to his Landlord. The two inaccurate statements related to the occupational rent and the service charge currently

payable in the period expiring on the date upon which the new occupational rent and service charge became payable.

12 Therefore the Committee have no jurisdiction in this matter.

A handwritten signature in black ink, appearing to read 'J. K. McLauchlan', with a stylized, flowing script.

John K. McLauchlan

Chairman

Dated 24th May 2006

Committee Members

CH. Mr. J.K. McLauchlan

V. Mr. J.E. Ravenhill

LM. Mr.B. Groves

Clerk Mrs. K. Thompson