

Notice of the Rent Assessment Committee Decision and Register of Rents under Assured Periodic Tenancies (Section 14 Determination)

Housing Act 1988 Section 14

Address of PremisesGROUND FLOOR FLAT,
63 CULVERDEN PARK ROAD,
TUNBRIDGE WELLS, KENT, TN4 9RB**The Committee members were**Mr Ron Norman
Mr Morris Marshall FRICS
Miss Jayam Dalal**Landlord**

Mr M Clarke

Address

First Floor Flat, 63 Culverden Park Road, Tunbridge Wells, TN4 9RB, Kent

Tenant

Mr Richard Mills

1. The rent is: £495-00 Per Calendar month (excluding water rates and council tax but including any amounts in paras 3&4)

2. The date the decision takes effect is: 17 July 2003

*3. The amount included for services is/is N/A Per
~~negligible~~/not applicable

~~*4. Service charges are variable and are not included~~

5. Date assured tenancy commenced 17 February 2003

6. Length of the term or rental period Calendar monthly

7. Allocation of liability for repairs Section 11 of the Landlord & Tenant Act 1985 applies

8. Furniture provided by landlord or superior landlord

NIL

9. Description of premises

2 bedrooms, living room, kitchen, shower room/wc and shared garden.

Chairman

Mr Ron Norman

Date of Decision

20 August 2003



**SOUTHERN RENT ASSESSMENT PANEL
& LEASEHOLD VALUATION TRIBUNAL**

HOUSING ACT 1988 SECTION 13

DECISION OF THE RENT ASSESSMENT COMMITTEE

Case No: Chi/21ug/mnr/03/106

Property: 1 Rose Cottage
High Street
Burwash
East Sussex
TN19 7EY

Applicant: Mr. J. Pattenden

Respondents: Mr. S and Mrs. G Bladon

Date of Hearing: 20th August 2003

Members of the Tribunal: Mr. R. Norman (Chairman)
Mr. M. Marshall FRICS
Ms. J. Delal

Date decision Issued: 3rd September 2003

RE: 1 ROSE COTTAGE, HIGH STREET, BURWASH, EAST SUSSEX

Background

1. The Applicant referred to the Rent Assessment Committee a notice proposing a new rent under an assured periodic tenancy.
2. It was pointed out to the parties that the notice was not in the latest form of notice for use under Section 13 (2) of the Housing Act 1988 ("the Act") and the Respondents issued a new notice using the latest form.
3. The tenancy is a statutory periodic tenancy by succession which arose on the death of the former tenant. The rent payable is £38.50 per week.

Inspection

4. The Committee inspected the property on 20th August 2003.

The Hearing

5. On the 20th August 2003 a hearing was held to consider the application.
6. Present at the hearing were Mr. and Mrs. Pring on behalf of the Applicant. There was no appearance by the Respondents or anyone on their behalf, but we did have written representations from the Respondents, which had been copied to the Applicant.
7. We heard evidence from Mr. and Mrs. Pring.
8. On considering the second notice served by the Respondents under Section 13 (2) of the Act and on hearing the evidence of Mr. and Mrs. Pring, it became clear to us that we had to determine whether or not a notice in the prescribed form under Section 13 (2) of the Act had been properly served, because if we were not satisfied that such a notice had been properly served in accordance with the provisions of the Act for securing an increase in the rent then we would not have jurisdiction to deal with the application.
9. The evidence from Mr. and Mrs. Pring was that the second notice had been received by the Applicant through the post and we noted that that notice was dated the 18th June 2003 and proposed that a new rent of £80 per week take effect from 18th July 2003. The normal procedure would be for the notice to be signed, dated with the date of signature and then posted to the Applicant. We had before us no evidence to suggest that any other procedure had been followed and we did have evidence that the notice had been served by post. That being so, then even if the notice was sent by first class post on the 18th June 2003 it would not have reached the Applicant in time to give him at least one month's notice of the proposed increase. Section 13 (2) of the Act requires that one month's notice be given and on the evidence before us we could not be satisfied that at least one month's notice had been given.

Determination

10. Consequently, we were not satisfied on a balance of probabilities that the procedure for securing an increase in the rent had been followed because we were not so satisfied that the Applicant had been served with a valid notice and in the absence of such a properly served valid notice we were not satisfied that we had jurisdiction to deal with the application in respect of it.
11. We stressed to Mr. and Mrs. Pring that it is most important that if a new notice is served then a new application will need to be made by the Applicant if he wants to ask the Rent Assessment Committee to determine the rent to be payable. He must not think that the application which he made is still proceeding. That application is at an end and if a new notice is served proposing an increased rent then he must on receipt of any new notice, if he wants the Rent Assessment Committee to determine the rent, make a new application without delay and before the date on which the proposed rent is to take effect.



R. Norman
Chairman