

**THE MIDLANDS RENT ASSESSMENT COMMITTEE  
DECISION AS TO JURISDICTION  
HOUSING ACT 1988, SECTION 13**

**Case Ref:** BIR/47UF/MNR/2005/0153

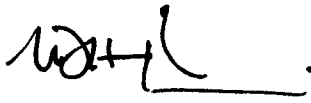
**Members:** Mr I.D. Humphries B.Sc.(Est.Man.) FRICS  
Mr J. Dove  
Mrs A. Bartram

**Premises:** 9 West Street, Evesham, WR11 4AP

- 1 The Tenant, Mr M.J.Gerard, holds a tenancy of the subject property from December 1990 according to the application form submitted to the Rent Assessment Committee by Mr Gerard although the tenancy agreement was not included with the application and the details are unknown. The landlord's identity is unknown although the rent is paid to their agent, Gusterson Palmer of Evesham.
- 2 The Landlord's Agent sent the Tenant a Notice of Rent Increase dated 17th November 2005 proposing a new rent of £80.00 per week with effect from Sunday 1st January 2006.
- 3 The Tenant referred the Notice to the Rent Assessment Committee by application dated 22nd November 2005 for determination of the rent under Section 14 of The Housing Act 1988.
- 4 The Rent Assessment Committee considered the validity of the Landlord's Notice on 30th January 2006.
- 5 Section 13(2) of The Housing Act 1988 requires any Notice of Rent Increase for Assured tenancies to be in the form prescribed by the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003 (Form 4B).
- 6 The Committee found that the Landlord's Notice was not in the required form for the following reasons:
  - i it failed to answer point 3 on Form 4B, 'The first rent increase date after 11th February 2003 is ...'
  - ii the new rent was proposed to start on a Sunday but the Tribunal do not know whether this was the beginning of a new period of the tenancy as required by s.13(2) of the Act.
  - iii the date of the last rent increase is not known.
  - iv the amount of the existing rent is not clear, the form is typed as £70 per week but there is a hand written note on the form stating £72 per week.

It would assist the Tribunal if a copy of the Tenancy Agreement could be included with any future applications or otherwise provided by the parties.

- 7 The Rent Assessment Committee therefore find the Landlord's Notice of 17th November 2005 to be invalid and of no effect.

A handwritten signature in black ink, appearing to read 'I.D. Humphries', followed by a horizontal line.

I.D. Humphries B.Sc.(Est.Man.) FRICS

Chairman

Date 6 FEB 2006