

THE MIDLAND RENT ASSESSMENT PANEL

Determination as to Jurisdiction of a Rent Assessment Committee in respect of 17 Odesa Drive, Nottingham, Nottinghamshire, NG6 8QT

Landlord: Tuntum Housing Association

Tenant: Ms S Lewis

Committee Members: Miss T N Jackson (Chair)
Mr K G Bloor FRICS
Miss B Granger

1. Introduction

- 1.1 This case concerns a preliminary issue as to the jurisdiction of a Rent Assessment Committee to make a determination under Section 14 of the Housing Act 1988 ("the 1988 Act").
- 1.2 The tenancy is a periodic tenancy under a tenancy agreement dated 14 October 2002 for the subject property. On 31 January 2005 the Landlord served on the tenant a Landlord's Notice under section 13 (2) of the 1988 Act proposing a new rent as from the 4 April 2005. In response, by an application dated 21 March 2005 but received at the panel office on 6 April 2005, the tenant referred the Landlord's Notice to a Rent Assessment Committee of the Midland Rent Assessment Panel under section 13 (4) (a) of the 1988 Act.

2. Issue

- 2.1 The issue for determination is whether the tenants referral of the Landlord's Notice is valid.
- 2.2 A Rent Assessment Committee was constituted for the purposes of determining the preliminary issue and the hearing was held on 13 July 2005. Neither party were present or represented.

3. The Law

- 3.1 Section 13 (4) of the 1988 Act states:-

"Where a notice is served under subsection (2) above, a new rent specified in the notice shall take effect as mentioned in the notice unless, before the beginning of the new period specified in the notice, -

- (a) the tenant by an application in the prescribed form refers the notice to a Rent Assessment Committee; or"

- 3.2 Although the tenant referral to the Rent Assessment Committee was dated the 21 March 2005 and the rent increase was not due to take effect until 1 April 2005, the

Committee finds as a matter of fact that the tenants application was not received by the Panel office until 6 April 2005, after the date the rent increase was due to take effect.

4. Determination of the Committee

- 4.1 The Committee determines that as the tenant's application was received after the new rent was due to take effect, it does not have jurisdiction to consider the tenant's application of the 21 March 2005 as it was received out of time.

Signed

N. Jackson

N Jackson (Chair)

Dated **01 SEP 2005**