

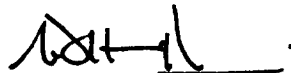
**THE MIDLANDS RENT ASSESSMENT COMMITTEE
DECISION AS TO JURISDICTION
HOUSING ACT 1988 SECTION 13**

Case Ref: BIR/00CT/MNR/2006/0146

Members: Mr I.D. Humphries B.Sc.(Est.Man.) FRICS
Mr W. Hatcher
Mr D. Underhill

Premises: 147 Damson Lane, Solihull, West Midlands, B92 9JX

- 1 The Tenant, Mrs B.A. Russell, holds a tenancy of the subject property from her landlord, Miltenform Properties Ltd.
- 2 The Landlord sent the Tenant a Notice dated 20th June 2006 proposing a new rent of £871.49 per calendar month to take effect on 10th August 2006.
- 3 The Tenant referred the Notice to the Rent Assessment Committee by application dated 11th September 2006 for determination of the rent under Section 14 of The Housing Act 1988.
- 4 The Rent Assessment Committee considered the validity of the Tenant's application on 27th October 2006.
- 5 Section 13(4) of The Housing Act 1988 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; ...'
- 6 The Committee found that the Tenant's application was made too late. It was made on 11th September 2006 which was after the beginning of the new period specified in the notice of 10th August 2006 and the Committee therefore have no jurisdiction to determine the rent.



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

27 NOV 2006