

**Rent Assessment Committee: Jurisdiction Hearing.
Housing Act 1988**

Address of Premises

13 Shipley Court
Wyatt Street
Maidstone
Kent

The Committee members were

Mr I W Collins FRICS IRRV
(Chairman)
Mr P Stowers FRICS
Ms L Farrier

1. Background

On the 17th March 2003 the tenant, Ms S Stockley, of the above property referred to the Committee a notice of increase of rent and service charges served by the landlord, the Hyde Housing Association.

The landlord's notice under the terms of the tenancy agreement, proposed a rent of £69.25 per week together with a service charge of £16.50 per week with effect from 7th April 2003 is dated the 28th February 2003.

The tenancy is an assured tenancy, with provision for a rent review on the 1st April of each year and services, which commenced on the 3rd September 1999. The current rent is £67.00 per week together with a service charge of £9.93 per week.

The tenant was notified by letter from the Southern Rent Assessment Panel dated the 8th May 2003 that under the provisions of section 13(1)(b) a Rent Assessment Committee may not have jurisdiction as the tenancy agreement contains a rent review clause. A Rent Assessment Committee had considered the application by the tenant and decided a jurisdiction hearing should be convened.

2. Evidence

No written representations were received from the landlord or tenant.

A hearing was arranged for 10 am on the 28th May 2003 at Maidstone Town Hall, Maidstone. The tenant attended the hearing and gave evidence. The landlord did not attend.

3. The Law

Section 13(1)(b) of the Housing Act 1988 states that the provisions of section 13 of the Housing Act 1988, in respect of increases of rent under assured periodic tenancies, does not apply where 'there is a provision, for the time being binding on the tenant, under which the rent for a particular period of the tenancy will or may be greater than the rent for an earlier period'. That is, if there is a formal rent review provision in the present tenancy agreement then neither the landlord or tenant can rely on the provisions of section 13 of the Housing Act 1988 concerning rent increases and the Rent Assessment committee has no jurisdiction in the matter.

4. The decision

The Committee noted that under clauses 2.4 to 2.6 of the tenancy agreement there is specific provision for a rent review on the 1st April of each year. The tenancy therefore does not comply with the requirements of section 13 of the Housing Act 1988 by virtue of the provisions of section 13(1)(b) and the Rent Assessment Committee therefore has no jurisdiction.

Chairman

I W Collins FRICS IRRV

Dated

28th May 2003

This document contains a summary of the reasons for the Rent Assessment Committee's decision. If either party requires extended reasons to be given, they will be provided following a request to the committee clerk, which must be made within 21 days from the date of issue of this document.