

SOUTHERN LONDON RENT ASSESSMENT PANEL



**Residential
Property**
TRIBUNAL SERVICE

Ref: CHI/43UD/F77/2005/0052

DECISION AND REASONS OF RENT ASSESSMENT COMMITTEE

HOUSING ACT 1988 Section 13

ADDRESS: 2 Salisbury Cottage, Merrow Street, Merrow, Guilford GU4 7AT

Landlord: South London Freeholders Ltd

Represented by: Hamways

Tenant: Miss G E Clarke

Represented by: -

Hearing date: 6th May 2005

Decision

The Committee does not have jurisdiction to determine this application for the reasons stated below.

Preliminary

An application was received by the Committee from the Tenant dated 5th April 2005. A hearing was offered on the 6th May 2005, neither party attended.

The Law

Section 13(2) Housing Act 1988 provides that:

"For the purpose of securing an increase in the rent under a tenancy to which this section applies, the Landlord may serve on the Tenant a notice in the prescribed form proposing a new rent to take effect at the beginning of a new period of the tenancy"

Facts found

- 1) The present tenant has a statutory tenancy by succession, having succeeded the tenancy of her late father, who had a regulated tenancy under the rent act 1977.
- 2) The succession of the tenancy took place on the 25th January 2003, being the date of death of the previous tenant.
- 3) The present tenant has a monthly periodic tenancy commencing on 25th of each month.

Reasons for Decision

The Landlord's section 13 (2) notice purports to increase the rent on the 1st May 2005. As this is not the beginning of a new period of the tenancy, it does not comply with section 13(2) and is invalid. Accordingly, the Committee has no jurisdiction.

Chairman Mr I Mohabir

Date 23rd May 2005

Committee

Mr I Mohabir.....

Mr D Lintott.....

Mrs J Playfair.....