MIDLAND RENT ASSESSMENT COMMITTEE

DECISION NOTICE AND REMONS

MEMBERS :-

MR. A. J. ENGEL (CHAIRRAN)

ML. D. J. SATCHWELL

MRS. E. EVERETT

PROPERTY :-

73 CHINGGOND MAD

LONGERA

COVENTRY

CVG GHA.

HOUSING MET 1988

LANGLORD :- FOLUS HOUSING ASJOCIATION

TENANT: MIS. LYNNETTE CLARKE.

- 1. AN ASJURED WEEKLY TENANCY OF THE
 PROPERTY WAS GRANTED BY THE
 LANDLORD TO THE TENANT, COMMENCING
 ON 28TH MARCH 1994.
- 2. BY LETTER, DATED 25M KEBRUARY 2004,
 THE LANDLORD GAVE NOTHE TO THE TENANT
 THAT THE RENT OF THE PROPERTY WOULD
 INCREME TO E80-17 FROM 5MAPRIC 2004.
- 3. BY NOTICE (IN THE PRÉSCRIBED CORM), THE
 TENANT RÉPERTED THE MATTER TO THE
 COMMITTEE

16001.

4. BY LETTERS, DATED 27 THAMIN 2004, THE LANDLORD AND THE TENANT WERE INCOMED

THAT THE COMMITTEE WOULD NEET

ON 27th MAY 2004 TO CONTIDER WHETHER

IT HAD SURTIDILITION TO DETERMINE

THE RENT (UNDER SECTION 14 OF THE HOUSING

ALT 1988). IT WAS STATED THAT THERE

WOULD BE AN ORAL HEARING ON 27TH MAY 2004

AND THAT WRITTEN REPRESENTATIONS WILD

MOS BE MADE.

- S. BY LETTERS, DATED 10 DI MAY 2004, THE
 PARTIES WERE INFORMED OF THE TIME AND
 VENUE COR THE ORAL HEARING.
- 6. NO WRITTEN REPRÉSENTATIONS WERE MADE AND NO-DRE APPEARED AT THE DRAN INEALING.
- 7. SECTION 13(2) OF THE HOUSING ACT 1984
 PROVINGS THAT A LANDLORD'S NOTICE
 PROPOSING A NEW RENT SHALL BE IN THE
 PRESCRIBED CORM.
- 8. RÉGULATION Z OC THE ASJURÉO TÉNANCIES
 AND AGRICUTURAL OCCUPANCIOS (CORMI)
 RÉGULATIONS 1997 (AD AMÉNOES OR
 RÉPLACES) PRAVILES THAT THE CARM SHALL
 RÉ THAT MET OUT IN THE RÉGULATIONS (SCHYOVES)
 OR A COMM SUBSTANTIALLY TO THE SAME ÉCRÉCT.
- 9. THE LANDWARDIS WITTER (WERRED TO AT

 NO 2. ASOVE) IS NOT IN TIME PRÉSCRIBED CORM

 AND IT IS NOT IN A GOLM SUBSTANTIANY TO

THE JAME EASELT AT THE PREJURISED KORM. - IN PARTICULAR, NOWE OF THE EXPLANATIONY NOTES OF THE PRESCRIPTED FORM WERE INCLUDED IN THE LANGUAGES NOTICE.

- 10. ALLOND IN RUM, THE LANDLARD'S NOTICE

 FORUED TO LOMP LY WITH LECTION 13(2)

 OF THE HOUSING ALT 1988 WHICH MEANOS

 THAT THE LAMMITTEE HAD NO JURISDICTION

 TO BETERMINE THE RENT (UNDER LECTIONS

 14 OF THE HOUSING ALT 1988).
- 11. IN THEM CANCHITANCES, THE WARRETTEE

 HAD NOT CONTRERED OTHER POSSIBLE

 DÉRECTS IN THE CANCLORDIS NOTICE.

SIGNED

A. J. Em

(A. J. ENGEL)

CHA MANAN

27 A+ MAY 2004.

Midland Rent Assessment Committee Decision Notice & Reasons

Members:

Mr. A.J. Engle (Chairman) Mr. D.J. Satchwell Mrs. E. Everett Property:
73, Chingford Road,
Longford,
Coventry,
CV6 6HA

Housing Act 1988

Landlord: - Focus Housing Association Limited

Tenant: - Mrs. Lynnette Clarke.

- 1. An assured weekly tenancy of the above property was granted by the landlord to the tenant, commencing on 28th March 1994.
- 2. By letter, dated 25th February 2004, the landlord gave notice to the tenant that the rent of the property would increase to £80.17 from 5th April 2004.
- 3. By notice (in the prescribed form) dated 31st March 2004 the tenant referred the matter to the committee.
- 4. By letters dated 27th April 2004, the landlord and the tenant were informed that the committee would meet on the 27th May 2004 to consider whether it had jurisdiction to determine the rent (under section 14 of the Housing Act 1988). It was stated that there would be an oral hearing on 27th May 2004 and that written representations could have been made.
- 5. By letters, dated 10th May 2004, the parties were informed of the time and venue for the oral hearing.
- 6. No written representations were made and no one appeared at the hearing.
- 7. Section 13(2) of the housing act 1988 provisions that a landlords notice proposing a new rent shall be in the prescribed form.
- 8. Regulation 2 of the Assured Tenancies and Agricultural Occupancies (forms)
 Regulations 1997 (as amended or replaced) provides that the form shall be that set out
 in the regulations (schedule) or a form substantially to the same effect.

- 9. The landlord's letter (referred to at no.2 above) is not in the prescribed form and it is not in a form substantially to the same effect as the prescribed form. In particular, none of the explanatory notes of the prescribed form were included in the landlord's notice.
- 10. Accordingly, the landlords notice failed to comply with section 12(2) of the housing act 1988 which means that the committee has no jurisdiction to determine the rent (under section 14 of the Housing Act 1988).
- 11. In these circumstances, the committee has not considered other possible defects in the landlord's notice.

Chairman Mr A.J. Engle

Dated 27th May 2004

Midland Rent Assessment Committee Decision Notice & Reasons

Members:

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Mrs. E. Everett

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- 5. By letters, dated 10th May 2004, the parties were informed of the time and venue for the oral hearing.
- 6. No written representations were made and no one appeared at the oral hearing.
- 7. Section 13(2) of the Housing Act 1988 provides that a landlord's notice proposing a new rent shall be in the prescribed form.
- 8. Regulation 2 of the Assured Tenancies and Agricultural Occupancies (Forms)
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- 9. The landlord's letter (referred to at no.2 above) is not in the prescribed form and it is not in a form substantially to the same effect as the prescribed form. In particular, none of the explanatory notes of the prescribed form were included in the landlord's notice.
- 10. Accordingly, the landlord's notice failed to comply with section 13(2) of the Housing Act 1988 which means that the Committee has no jurisdiction to determine the rent (under section 14 of the Housing Act 1988).
- 11. In these circumstances, the Committee has not considered other possible defects in the landlord's notice.

Typed copy Signed

Mr A.J. Engel (Chairman)

A. J. Kan

Dated

3rd. June 2004

(Original handwritten document signed on 27th May 2004 - A. J. Ews. - A.J.ENGEL)