



**FIRST – TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **BIR/00CQ/MNR/2019/0040**

Property : **11 Gaza Close, Coventry, CV4 9EF**

Tenants : **Mr & Mrs P Callender**

Landlord : **Mrs M Morjaria (as stated on the Rent Increase Notice)**

Type of Application : **An application under section 13(4) of the Housing Act 1988 referring a notice proposing a new rent under an Assured Periodic Tenancy, to the Tribunal.**

Tribunal Members : **V Ward BSc Hons FRICS
D Satchwell FRICS**

Date of Hearing : **25 October 2019**

Date of Decision : **18 November 2019**

DECISION ON STRIKE OUT

BACKGROUND

1. By an application received on 6 September 2019, Tina and Peter Callender (the “Tenants”) of the Property, referred the Notice of increase of rent served by the Landlord (named in the Notice as Mrs Manjit Morjaria) proposing a new rental of £895.00 per month from 6 September 2019, in place of the existing rent of £720.00 per month, to the Tribunal.
2. Following a review of the application by a Procedural Judge, it appeared that the Landlord's Notice proposing a new rent was invalid as the Guidance Notes were not appended to the Notice and further it was not signed or dated. Following a request from the Tribunal, Mrs Morjaria provided a poor copy of the Notice which appeared to include some of the Guidance Notes but not all 18 paragraphs and which was signed and dated. The Tribunal had also requested a copy of the tenancy agreement in order that full details of the ownership of the Property could be ascertained as with the Tenant’s referral to the Tribunal was a letter from Mr Parag Morjaria, who also claimed to be an owner, objecting to the proposed rent increase. No copy was provided.
3. The Tribunal carried out an inspection of the Property on 25 October 2019 in the presence of Mrs Callender. It is not necessary for the purposes of this decision to provide information relating to the Property’s accommodation and physical condition.
4. Following a request by Mr Morjaria, a hearing was held at Coventry Magistrates Court following the inspection. Only Mr Morjaria was in attendance.
5. At the hearing, Mr Morjaria stated that he was unable to provide any documentary evidence that he was a joint owner of the Property. He did however produce the Rent Increase Notice purportedly received by the Tenants which had no Guidance Notes appended and which was not signed or dated. As background, the Tribunal was advised that Mr and Mrs Morjaria are currently undergoing a divorce.
6. Following the hearing the Tribunal wrote to the parties stating that it considered it likely that it may not have jurisdiction under rule 9 (2) (a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 and accordingly may strike the application out as the Rent Increase Notice appears invalid for the following reasons:
 - a) The full guidance notes were not attached to the Rent Increase Notice.
 - b) The Landlord’s name on the Notice is given as Manjit Morjaria when the property is in joint names.

- c) The Rent Increase Notice presented to the Tribunal at the hearing was not signed.
- 7. The Landlords were asked to produce an up to date Land Registry certificate confirming ownership of the Property and were also invited to make submissions on the Tribunal's proposals to strike the application out, both within 14 days.
- 8. No submissions were received.

DECISION

- 9. On the balance of probabilities, for the following reasons, the Tribunal considers that the Rent Increase Notice is invalid:

The Rent Increase Notice was not signed or dated.

The full Guidance Notes were not attached.

- 10. The application is therefore struck out; in practical terms the Landlord's Notice to increase the rent is invalid.

APPEAL

- 11. A party seeking permission to appeal this decision must make a written application to the Tribunal for permission to appeal. This application must be received by the Tribunal no later than 28 days after this decision is sent to the parties. Further information is contained within Part 6 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (S.I. 2013 No. 1169).