



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

**Case Reference** : **LON/00AT/MNR/2019/0030**

**Property** : **1 Titan Court Green Dragon Lane  
Brentford TW9 0HJ**

**Applicant** : **Ms D Toussaint (Tenant)**

**Representative** : **None**

**Respondent** : **Notting Hill Genesis Housing  
Association (Landlord)**

**Representative** : **None**

**Type of Application** : **Decision in relation to Section 13 of  
the Housing Act 1988**

**Tribunal** : **N Martindale FRICS**

**Date of Decision** : **10 July 2019**

---

**DECISION**

---

**Decision:**

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

**Law, Facts Found and Reasons:**

1. The Tribunal received an application dated 8 March 2019, made under section 13 of the Housing Act 1988 on 12 March 2019.
2. Section 13(4) provides that “Where a notice is served under subsection 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 the application in the prescribed form refers the notice to the appropriate tribunal;...”

3. Although the tenant provided an application in the prescribed form no copy of the landlord’s notice was included. The tenant’s attention was drawn to this omission, but no copy of the landlords notice was received by the Tribunal before the effective date in that notice which was 1 April 2019.
4. The Tribunal has subsequently been provided with a copy of the landlord’s notice, by the tenant, but it was received after the effective date in that notice.

### **Decision**

5. The Tribunal considered the papers before it on 7 June 2019. The Housing Act 1988 does not however allow for the Tribunal to consider the matter if the full application was received after the start date of the new rent, nor does it provide for the Tribunal to exercise any discretion in accepting a late application from the tenant. The effective start date of the new rent had already passed.
6. For this reason the Tribunal does not have jurisdiction to make a determination of the rent under this application.

**Name: N Martindale FRICS      Date: 8 July 2019**

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the Tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then look at such

reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the Tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).