

Y TRIBIWNLYS EIDDO PRESWYL

RESIDEBTIAL PROPERTY TRIBUNAL (WALES)

RENT ASSESSMENT COMMITTEE

Reference: RAC/0007/09/21

Property: 30 Machen Place Riverside Cardiff CF11 6EQ

Applicants [Tenants]: Abdulbagi Alhassan & Maha Hamadelbeil

Representative: Marcus Davies of Riverside Advice [No address Provided]

Respondent [Landlord]: Upkar Singh

Representative: James Mwasigallah of Hafren Properties

The Committee: Chairman : Dr. J. Rostron
Valuer Member : A Lewis FRICS

Preliminary

1. The Applicant applied on 12th September 2021 to the Rent Assessment Committee (“the Committee”) under Section 13(4) of the *Housing Act 1988* (“the Act”) for a determination of the open market rent of the property (“the Property”).
2. The Applicant had received a notice (“the Notice”) from the Respondent dated 22nd July 2021 proposing a new rent of £750.00 per month. The proposed rent took effect from 14th September 2021 and is the first rent increase since 22nd July 2021. The current assured periodic tenancy commenced on 14th December 2018.
3. Such applications are approached in two stages; first does the Committee have jurisdiction and secondly, what is the valuation. The first stage requires consideration of the validity of the application. If the application is not valid it is not necessary to proceed to a determination of the market rent valuation.

The Law and Jurisdiction

4. Section 13(2) of the Act requires a Landlord seeking to increase the rent of an assured periodic tenancy to 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.

5. For the Notice to be valid it must comply with various requirements set out in Section 13(2) of the Act as amended by the *Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003*.
6. If the Notice is valid, Section 14 of the Act requires the Committee to determine the rent at which it considers the Property might reasonably be let in the open market by a willing Landlord under an assured tenancy and in so doing the Committee must disregard the effect on the rental value of any relevant Tenants improvements.
7. Section 13(2) of the Act confirms (amongst other things) the start date for the proposed new rent must not be earlier than

“(c) if the rent under the tenancy has previously been increased

(ii) the appropriate date”
8. The appropriate date is defined in Sections 13(3)A and 3(B) of the Act as being a minimum of 52 or 53 weeks after any previous rent increase.
9. Section 14(B) of the Act explains that in circumstances where the proposed rent increase may cause undue hardship on the tenant the Committee has discretion [within set parameters] to appropriately amend the date for implementation of the new rent.
10. The Committee had first to determine whether the Notice was valid under Section 13(2) of the Act. The Notice was considered by the Committee to be invalid for the following reasons.
11. The Notice at paragraph 3 says the last rent increase was on 22nd July 2021. There has never been a rent increase according to the documents received by the Committee.
12. The Committee noted that the papers submitted contained confusing information. It noted that two tenancy agreements were submitted respectively dated 14th February 2015 and 14th December 2018. Both containing the same terms and parties.
13. Hafren Properties who represent the Landlord and signed the Notice provide a date for the proposed increase in rent which is much shorter than required. The Committee found this unacceptable especially as it was completed by professional agents. The Committee finds the Notice invalid and therefore does not have jurisdiction to deal with the application.

14. It is suggested that the Landlord's agents complete the Notice correctly and reserve it. If an application is then received the Committee will have jurisdiction to deal with it.
15. An inspection was carried out by the Valuer Member on Wednesday 12th January 2022. However, because of the invalidity of the Notice and consequent lack of the Committee's jurisdiction the results are not recorded.
16. **The Committee having given due consideration to all of the above matters declined to consider the application because it does not have jurisdiction to do so.**

Dated this 20th day of January 2022

**Dr J Rostron
Chairman of the Rent Assessment Committee**