

**RENT ACT 1977**

Section 45(2) as amended by Housing Act 1980 and Rent (Relief from Phasing) Order 1987

See Notes 1 to 3.

**Notice of Increase of Rent under Regulated Tenancy where a Fair Rent has been Registered and the Increase is NOT Subject to the Phasing Provisions of Schedule 8 to the Rent Act 1977**

See Note 4.

*Please read the Notice carefully and keep this Form.*

To

Tenant of

Cross out words which do not apply.

1. Rent of £ \_\_\_\_\_ per \_\_\_\_\_ (exclusive of rates) has been registered by the Rent Officer [determined by the tribunal] for the above premises and takes effect from \_\_\_\_\_  
[This includes council tax]

See Note 5.

2. Unless:-

See Note 6.

(a) a different rent is registered by the Rent Officer or determined by the tribunal, or

See Note 7.

(b) the Rent Officer agrees to cancel the registration, or

(c) the rent is registered as variable

the maximum rent (exclusive of rates) you can be charged from the date in paragraph 1 is the full registered rent as shown in that paragraph.

3. I hereby declare that your rent (exclusive of rates) will be increased as follows:-

Present rent £ \_\_\_\_\_ per \_\_\_\_\_

to rent from \_\_\_\_\_ \* £ \_\_\_\_\_ per \_\_\_\_\_

The date at \* must not be earlier than the date in paragraph 1 above nor 4 weeks before the date of service of the Notice.

Cross out this paragraph if tenant pays rates.

[It is noted in the rent register that rates in respect of the above premises are borne by me or a superior landlord and I am entitled to add the amount of rates to the rent and to pass on to you future increases in rates without serving a Notice of Increase.]

Signed \_\_\_\_\_

Cross out words in square brackets if they do not apply.

[On behalf of \_\_\_\_\_]

Address \_\_\_\_\_ Landlord

[Name and Address of Agent \_\_\_\_\_]

Date \_\_\_\_\_

# Notes

## Use of Notice

1. This Notice is for use for rent increases which are **not** subject to phasing. Except in the circumstances described in paragraph 2 below, phasing does not apply to increases which result from a determination by the rent officer or the tribunal if the contract (or confirmation of the existing registration) resulting from the rent officer's determination of the fair rent takes effect *on or after 4th May 1987*.

2. Phasing does apply in the circumstances described above if the registration of rent is the first such registration for a tenancy which has been converted from a controlled tenancy to a regulated tenancy, form No. 2 should be used for these cases.

3. This Notice can only be used for increases which are to take effect when the tenancy is a statutory tenancy. A statutory tenancy comes into being when a tenancy agreed between the landlord and tenant (known as a contractual tenancy) has come to an end and the tenant has security of tenure under the Rent Act 1967. The Notice can be served while there is still a contractual tenancy. If the contractual tenancy can be terminated before the date in paragraph 3, this notice can be used in lieu of a notice to quit to turn the contractual tenancy into a statutory tenancy from that date.

## Explanatory booklet

4. The Department of the Environment has published a booklet "Regulated Tenancies" explaining in more detail than these Notes how the fair rent system works and the rights and duties of landlords and tenants under the Rent Act. It is available free from Rent Officers, and Citizens' Advice Bureaux and you are advised to obtain a copy.

## Re-registration

5. No application for a new registration may be made during the two years from the date in paragraph 1 of the Notice unless either

- it is made by the landlord and the tenant acting together, or
- there has been such a change in the circumstances taken into account when the rent was registered (such as the making of an improvement to the premises) as to make the registered rent no longer a fair rent.

But the landlord must wait three months in a vain search for a new registration to take effect after the end of the two year period.

## Cancellation

6. As long as there is a regulated tenancy an application to the Rent Officer to cancel the registration can only be made jointly by landlord and tenant.

## Limitation of rent increase

7. The rent shown in paragraph 1 of the Notice may not be exceeded unless the rent is registered as variable. It will only be registered as variable if the terms of the tenancy provide for the rent to be varied according to the cost of services or works of maintenance and repair carried out by the landlord or supplied by the landlord and the rent officer considers the terms reasonable.

## Help with rent and rates

8. If the tenant has difficulty in paying his rent or rates he should apply to the local council of his area for details of the rent allowance and rate rebate schemes. The council will also advise if he may be better off receiving supplementary benefit from the Department of Health and Social Security.