

FIRST CHOICE HOMES OLDHAM

TENANCY RELATIONS SERVICE

Advice and Information for Tenants

RENT INCREASES

Rent Increases for Assured Shorthold Tenancies

The Housing Act 1988 provides a specific procedure for making increases to rents.

The Legalities

Generally speaking, many Assured Shorthold Tenancies are granted with a fixed term. Some, however, exist where the fixed term has expired or where there was no fixed term in the first place.

Fixed Term

If there is a fixed term then the rent cannot be increased unless it is by mutual consent of both landlord and tenant.

Sometimes, there may be a clause in the contract setting out conditions for the rent to be increased during the fixed term. This is normally acceptable, provided that the content of the clause does not render it to be an unfair contract clause. If you in doubt about this issue, you should seek advice.

No Fixed Term

If there is no fixed term, or the fixed term has expired and at least 12 months have elapsed since the last increase, the rent can increase in two ways - a new rent can either be agreed by mutual consent, or the landlord can serve a notice of increase on the tenant proposing a new rent. This notice has to be served on a special form.

The notice advises the tenant of the proposed new rent and the date it is proposed to take effect. It goes on to inform the tenant that if the increase is acceptable, to pay it when it becomes due, or alternatively that an appeal can be made to the **Rent Assessment Service** if the increase is not acceptable. This appeal must be made before the proposed date for the new rent otherwise the increase becomes effective.

The Rent Assessment Service will deal with an appeal. As part of their assessment they will make a visit to the property. Having regard to rents of

similar property in the area, they will then fix a rent they consider to be reasonable for the current market. This rent is fixed for one year.

Note for Tenants

When the fixed term of the tenancy has expired or where there has been no fixed term originally, the tenancy is very insecure. A landlord has the right to recover possession of the property by serving notice.

For further assistance, support and advice please contact

First Choice Homes Oldham's Tenancy Relations Service

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Phoenix Street
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Telephone: 0161 770 4463 Answer Phone available

Fax: 0161 770 3557

E-mail: fcho.tenancy.relations@oldham.gov.uk

Web -address http://www.oldham.gov.uk/fcho-tenancy_relations_service.htm

Opening hours:

Monday – Friday (excluding Wednesday) :	9.00am – 5.00pm
Wednesday :	11.00am – 5.00pm
Weekends and Bank Holidays :	Closed

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The above information is **NOT** an exhaustive guide to the law, nor does it cover every situation that may arise. For more detailed interpretation of the law, seek legal advice.