

own lease. The tenant will need to obtain information about all superior landlords so that the competent landlord can be identified. Tenants can require information from their landlord about the identity of superior landlords (and landlords can use the same process to obtain information about sub leases which their tenant may have created) via service of a s 40 notice, which can only be served in the final two years of a fixed term protected tenancy. The s 40 notice requires the recipient to give specified information (for further details see the Task below)

The recipient of the notice has one month in which to reply, and there is a duty to keep any information up-to-date..

The notice procedure is useful in that it gives both landlord and tenant vital information about the tenancy and enables both parties to prepare in advance for the renewal procedure.

Task 3

Find, read and print off the prescribed forms for s 40 notices at Appendix D and E of the following document published by the Communities website:

<http://www.communities.gov.uk/documents/citiesandregions/pdf/131176.pdf>

Note that there are two forms-one for tenants to serve on landlords and the other for landlords to serve on tenants. Look carefully at the type of information which is being requested.

8 Application for interim rent

Rent is payable at the old rate until three months after the court proceedings for renewal have been concluded (s 64 LLTA 1954).. Clearly in a strong market this could be a disadvantage to the landlord. To redress this inequality, either party may apply for an interim rent to be fixed, which will be backdated to the earliest date for termination of the tenancy or start of the new tenancy which could have been specified in the landlord's section 25 notice or the tenant's section 26 request, irrespective of which party applies for interim rent.

A landlord may be keen to do this where the market is strong and rents are rising (unless the rent under the current lease has only just been reviewed, in which case it will already reflect market rent and there would be no advantage to the landlord in doing so.), and a tenant conversely, when rents are falling, so as to avoid paying above the market rent.