



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

Case Reference	:	LON/00AK/MNR/2024/0691
Property	:	Flat 11, Noveau House, 34 Fyfield Road Enfield EN1 3FS
Applicant	:	Rina Fumoto (Tenant)
Representative	:	None
Respondent	:	Magic Living Ltd. (Landlord)
Representative	:	None
Type of Application	:	Section 13(4) Housing Act 1988
Tribunal Members	:	N Martindale FRICS
Date and venue of Hearing	:	10 Alfred Place London WC1E 7LR
Date of Decision	:	27 January 2025

REASONS FOR DECISION

Background

- 1 The First Tier Tribunal received an application, undated but received prior to the effective date (3 December 2024), from the tenant of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 9 October 2024, proposed a new rent of £1500 per calendar month, with effect from and including 3 December 2024. The passing rent was said to be £995 per calendar month.

- 3 The tenancy is an assured shorthold periodic monthly tenancy. A copy of the last tenancy agreement was provided.
- 4 Directions were issued 28 November 2024 by Lewis Foluke. Neither party requested a hearing. The Tribunal does not routinely carry out inspections.
- 5 The Tribunal received an initial application. The Tribunal sent out its standard Reply Form to both landlord and tenant.
- 6 The Tribunal carefully considered and noted such representations as it received from both parties regarding the location layout size and condition of the Property and other available and let comparable properties in the location.

Property

- 7 The Property is a post 2000 conversion from a subdivision of the former purpose built office block of 4 levels plus any basement dating from the 1980's. Brick fair faced external walls and a mansard metal faced roof/ fourth floor. Windows are double glazed. Accommodation in the Property on the first floor, comprised 1 bedroom/ living room/ kitchen and bathroom/ wc. The landlord provided under floor heating at its expense, the cost being included within the rent. There is a passenger lift to all levels. It was some 23m² GIA, let with curtains, and a fitted kitchen and white goods.
- 8 The Tribunal had regard to Google Streetview (data capture October 2020). The tenant provided details of other small studio flats in the block currently reported to let as well as others said to be let earlier in the year. These ranged by value: February 2024 £1100 & £1125 pcm, through August 2024 £1175 & £1200 pcm. There was no mention of the provision of underfloor heating to the tenants. The landlord provided details of other small studio flats of very similar GIA, in this building; No.5, 8, 3, on new rents from October 2024 at £1500 pcm said to include the cost of heating.

Law

- 9 In accordance with the terms of S.14 of the Housing Act 1988 we are required to determine the rent at which we consider the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the Property falls to be valued as it stands; but assuming that the Property to be in a reasonable internal decorative condition.

Decision

- 10 Based on the Tribunal's own general knowledge of market rent levels in Enfield Town it determines that the subject Property would let on a normal Assured Shorthold Tenancy (AST) terms, for £1,500 per calendar month, fully fitted and in good order including the full costs of the provision of the underfloor heating and its constant availability to the tenant ascribing the fixed cost of £200 pcm to this element. The Tribunal makes no deductions. The rent of this Property is therefore determined at £1,500 pcm, inclusive of the cost of underfloor heating.
- 11 The new rent will take effect from and including 3 December 2024, the effective start date given in the landlord's Notice. As the Form of Determination states: **The Landlord is not obliged but, may charge a rent up to but, not in excess of, the figure shown at box 1; £1500 pcm.**

Name: N. Martindale

Date: 27 January 2025

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 either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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).