

	FIRST - TIER TRIBUNAL PROPERTY CHAMBER (RESIDENTIAL PROPERTY)
Case Reference	HAV/29UL/MRA/2026/0005
Property	Flat 7 57 Earls Avenue Folkestone Kent CT20 2HA
Tenant	William Franken
Tenant's Representative	None
Landlord	Kenwood Property Ltd
Landlord's Address	57 Earls Avenue Folkestone Kent CT20 2HA
Landlord's Representative	Adam Grist
Date of Application	5th June 2026
Type of Application	Determination of an Open-Market Rent sections 13 & 14 of the Housing Act 1988
Tribunal Members	Mr I R Perry FRICS Ms S Johnson
Date of Decision	10th September 2026
Rent Determined	£725 per calendar month
Date of Valuation	11th July 2026

Date the new rent takes effect	11 October 2026
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REASONS FOR THE DECISION

Background

1. On 7th May 2026, the Landlord served a notice under Section 13 (2) (as amended) of the Housing Act 1988 which proposed a new rent of £825 per calendar month (pcm) in place of the existing rent of £440 pcm to take effect from 11th July 2026.
2. On 5th June 2026, under Section 14 (A3) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of an open-market rent.
3. The tenancy commenced on 11th February 2019. The rental period is monthly.

Allocation of Repairs between Landlord and Tenant.

4. As per section 11 of the Landlord and Tenant Act 1985.

Services Charges or furniture provided by Landlord (other than carpets and curtain and white goods specified below) and the costs relating to the same.

5. The building has a communal gas-fired heating system which is switched on for the winter months at no cost to the Tenant. Water is also supplied free of any recharge.

Liability for Council Tax

6. The Tenant is responsible for the payment of Council Tax in respect of the Property. The rent determined is exclusive of Council Tax.

Hearing

7. A hearing was held on 10th September 2026 by video platform. The Tribunal has considered this case based on an oral hearing, the papers provided by the parties and its own knowledge and specialist expertise.

8. These reasons address **the key issues** raised by the parties. They do not recite each and every point referred to either in submissions or during any hearing. However, this does not imply that any points raised, or documents not specifically mentioned were disregarded. If a point or document was referred to in the evidence or submissions that was relevant to a specific issue, then it was considered by the Tribunal. The Tribunal concentrates on those issues which, in its opinion, are fundamental to the application.
9. Personal issues or circumstances of the Parties are not to be taken into account when assessing a market rent.

The Property

10. The Property is a first floor flat within a former House of Multiple Occupation which now contains a total of 13 self-contained flats.
11. The Property is a first floor flat within a former House of Multiple Occupation which now contains a total of 13 self-contained flats. The accommodation includes a living room/kitchen, bedroom and bathroom with WC.
12. There is a single radiator in the main room which also has a large bay window.
13. Outside there is a shared lawned area, together with a single visitor parking space available for communal use. In addition, allocated parking spaces are provided for some of the other flats within the building
14. The Property is situated in a residential area of similar properties approximately 450 metres from the seafront.

Evidence

15. The parties completed the relevant MR1 (tenant), MR2 (landlord) and MR3 (tenant's reply). Further correspondence was received from both Parties including a document from the Landlord received on 8th September 2026.
16. The Tenant originally objected to this late document being admitted by the Tribunal but subsequently, at the Hearing, agreed that it should be admitted.

The Tenant

17. The Tenant made the following comments:
 - a) The current rent of £440 had first been agreed at the start of the tenancy on 11th February 2019.
 - b) The bedroom is only 10.47 sq mtrs.

- c) Carpets and curtains are supplied by the Landlord although the Tenant has provided replacement curtains with thermal linings.
 - d) The Tenant provided all white goods.
 - e) There is a single radiator which is only switched on by the Landlord in the winter months, and a Dimplex electric heater for use during the other months.
 - f) There is no double glazing, so the Property is often cold.
 - g) The Property has been affected by damp and mould. Some remedial work has been done using a fungicidal paint.
 - h) The bathroom leads off the bedroom, which is inconvenient for visitors, and there is a glazed 'borrowed light' between the bathroom and the bathroom of an adjoining flat which sometimes causes light pollution.
 - i) Part of a ceiling collapsed last year but this has been repaired, and repainting has been done at the end of July 2026.
 - j) The hot water supply is unsatisfactory as it takes 1 ½ hours to heat up.
 - k) The Tenant disputes the EPC rating for the property.
 - l) That other tenants had agreed to higher rents in response to s21 Notices.
18. The Tenant provided details of comparable properties with rents ranging from £575 pcm to £1,400 pcm and states that rents have recently been agreed for Flat 11, £700 pcm, and Flat 9, £725 pcm.

The Landlord

19. The Landlord made the following comments:
- a) The Property is situated within a prestigious road.
 - b) He had received no complaints about damp/mould before the Notice had been served. He had responded by obtaining a professional report and implemented an action plan to remedy the mould.
 - c) The windows are original to the property which is a Victorian 'character building' within a conservation area.
 - d) The living room radiator is 2 metres, and the heating is switched on from October to March.
 - e) The EPC submitted late rated the Property as 'D'.
20. The following comparables were provided by the Landlord:
- a) He had recently agreed a new rent of £700 pcm for Flat 11 as the occupier was a 'special tenant' and it is a top floor flat with restricted headroom. He stated that a full rent would be £800 pcm.
 - b) Flat 4, which is smaller than the Property, has recently been agreed at £595 pcm.

- c) Flat 2, which is smaller but has night store heating was recently agreed at £825 pcm.

Determination and Valuation

21. Under section 14(1) of the Housing Act 1988 (as amended), the Tribunal is required to determine the rent at which the Property might reasonably be expected to let in the open market by a willing Landlord at the beginning of the new period specified in the Landlord's notice. Relevant Tenant improvements or failure of the Tenant to comply with the terms of the tenancy are to be disregarded. Historic issues relating to the tenancy or the personal circumstances of the Landlord are not taken into account. The personal circumstances of the Tenant are only considered if an application for hardship has been made.
22. Relying on its own expertise and general knowledge of rental values in the area, together with the comparable evidence provided by the parties, the Tribunal considers that the market rent of the subject Property, if modernised and presented in good condition, would be in the order of £750 pcm. In reaching this conclusion, the Tribunal attached significant weight to rents agreed for other flats within the same building, as these provide particularly useful evidence of rental value in comparable accommodation, whilst recognising differences in size, layout, heating arrangements, level of amenity and condition. The Tribunal has also considered the wider comparable evidence submitted by the parties. The figure of £750 pcm represents the rent which the Tribunal considers the Property would reasonably be expected to achieve in the open market at the valuation date if in the same general condition as the comparable properties.
23. From this level of rent, the Tribunal has made adjustments in relation to the following:
 - a) Tenants provision of white goods
 - b) Lack of double glazing/poor insulation
 - c) Damp and mould, treated but not eradicated
 - d) Landlord's provision of heating in winter months (amortised over 12-month period)
 - e) Landlord's provision of water/sewage.

The full valuation is shown below:

Starting Rent

£750 pcm

Less

a)	Items given under a) above	minus £30.00
b)	Items given under b) above	minus £20.00
c)	Items given under c) above	minus £25.00
d)	Items given under d) above	plus £40.00
e)	Items given under e) above	plus £10.00

Open-Market Rent**£ 725.00 pcm****Undue hardship**

24. The new rent takes effect from the date which is the beginning of the first new period of the tenancy which begins on or after the date of the determination unless that would cause undue hardship to the tenant. In cases of undue hardship, the Tribunal has a discretion to fix a later starting date up to two months after it makes its determination.
25. The Tenant has asked the Tribunal to fix a later starting date in this case. The Tenant says they will be caused undue hardship because of his self-employment as a comedian.
26. The Landlord did not respond to the Tenant's application for postponement due to hardship.
27. The threshold for demonstrating undue hardship is high. The Tenant has produced some evidence in support of his application. Having considered that evidence, the Tribunal is not satisfied that implementation of the determined rent from the statutory commencement date would cause undue hardship. The Tribunal therefore declines to fix a later effective date.

Decision

28. The Tribunal determines the new rent amount at £725 pcm with effect from 11th October 2026 which is the beginning of the first new period of the tenancy which begins on or after the date of the determination.

APPEAL PROVISIONS

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 after the issue of this statement of reasons (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013) stating the grounds upon which it is intended to rely in the appeal.