FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	HAV/29UL/F77/2026/0016
Property	**:**	Maisonette 9, Majestic Parade, 13 Sandgate Road, Folkestone, Kent, CT20 2BZ
Applicant landlord	**:**	P A Properties Limited
Representative	**:**	Ms M Jones Motis Estates
Respondent tenant	**:**	Ms M Aldridge
Representative	**:**	None
Type of application	**:**	Determination of a Fair Rent Section 70, Rent Act 1977
Tribunal members	**:**	Mr J G G Wilson MRICS Mr J Reichel BSc MRICS
Date of consideration	**:**	17 August 2026
Date of decision	**:**	17 August 2026

DECISION

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Decision of the Tribunal

On 17 August 2026 the Tribunal determined a Fair Rent of £180.00p (One Hundred and Eighty Pounds) per Week, to take effect from 17 August 2026.

Background

1. On 18 March 2026 (although the application is dated '2025') Ms Meghan Jones, on behalf of the landlord, submitted her application for re-registration of Fair Rent ('RR1') to the Rent Officer to register a fair rent of £935.00 per Month for Maisonette 9, Majestic Parade, 13 Sandgate Road, Folkestone, Kent, CT20 2BZ ('the property').

2. At paragraph 8 of the RR1 it is confirmed there are no services provided under the tenancy. Similarly, in paragraph 10 it is confirmed there is no furniture provided.

3. This was an application to re-register the fair rent from its previous registration of rent for the property by the Rent Officer of £65.00 per Week, effective from 20 January 1992.

4. At paragraph 12 of the RR1, the rent now is stated as £500.00 per Month.

5. A rent of £150.00 per Week was registered by the Rent Officer, effective from 30 April 2026. On the Rent Officer's register, the amounts for (d) Amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance and for (e) Noted amount attributable to services are both blank. However, on the 1992 registration at (g) Remarks, the amount attributable to services is less than 5% of the total rent.

6. In an email dated 27 May 2026 to The Valuation Office Agency ('the VOA') (sent to VSU Helpdesk (HMRC)) Ms Jones submitted her objection to the rent registered and the matter was referred to the First-Tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.

7. The Tribunal issued Directions dated 3 July 2026 ('the Directions'). The Tribunal does not consider it necessary and proportionate in cases of this nature neither to undertake an inspection, nor to hold a Tribunal hearing unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.

8. The Tribunal in its Directions informed the parties that, unless either party objected, the Tribunal intended to determine the rent on the papers (written representations), paragraph 5.

9. Similarly, the parties were informed the Tribunal will not inspect the property but will seek to view it on the internet; and goes on to say if it considers it necessary, it may carry out an external inspection, paragraph 6.

10. The parties were directed to complete and return their Fair Rent Appeal Statement ('Statement') to form their statement of case, within specific

time limits, paragraphs 8 – 12 inclusive. The Statement provides for photographs to be attached, to assist the Tribunal to understand the case and to help the party to present the issues.

11. Both Ms Jones and Ms Aldridge have given a Statement in accordance with the Tribunal's Directions.

The Property

12. Majestic Parade is a mixed-use development comprising both residential and commercial retail premises. It is of traditional brick construction with a pitched tiled roof.

13. Maisonette 9 has its own separate upper-floor entrance at the rear of the building. The accommodation provided, in outline, is as follows: upper-floor – entrance hall with stairs up to, first floor – one reception room with balcony, kitchen and one cloakroom/WC, stairs up to second floor – three bedrooms and one bathroom/WC.

14. Sandgate Road runs in westerly/easterly direction just to the north of Folkestone beach and to the south of Folkestone railway station.

The Tenancy Agreement and the Rent Register

15. Whereas in her application Ms Jones says the tenancy began in June 1985, she confirms in her Statement the tenant moved into the property on 27 September 1985, which is also the date in the Rent Register.

16. The Tribunal has been provided with a copy of the tenancy agreement with a commencement date of 26 June 1994 between Rudolph Ensmann and Mandy Aldridge for the property. It is for a term of three years at a rent of £281.66p per month, payable monthly in advance.

17. The tenant is required to keep the interior of the premises during the term in as good and clean state of repair condition and decoration as the premises are in at the commencement of the term and make good all damage and breakages to the premises which may occur during the term (fair wear and tear and damage by accidental fire excepted).

18. The tenant is responsible for the payment of Council Tax and Water Rates. Section 11 of the Landlord and Tenant Act 1985 ('the 1985 Act') applies. The tenant is responsible for internal decorations. The landlord is responsible for repairs and external decorations. No furniture is provided under the tenancy.

Submissions – Fair Rent Appeal Statements

19. The Tribunal has considered the case de novo (from anew) and has limited its considerations to reach its decision to those points in the papers relevant to the determination of the fair rent.

20. In addition to the RR1 submitted by Ms Jones, she submitted her Statement on behalf of the landlord on 17 July 2026. Ms Aldridge's Statement was submitted on 30 July.

<u>Ms Jones's Statement</u>

21. In her application for re-registration of the fair rent, Ms Jones says: (1) neither are there any services nor is any furniture provided under the tenancy, (2) the tenant has not carried out any improvements under the tenancy, and (3) the landlord has not carried out any major works or improvements since the last registration of the fair rent.

22. In her Statement, Ms Jones says: (1) the property is a self-contained maisonette, albeit her description of the number and type of rooms by floor does not match that of the Rent Officer, (2) under 'Features' - the landlord has provided central heating, double glazing, carpets and curtains, and the White Goods, and (4) the property has a balcony.

23. Under 'Improvements', Ms Jones says the carpet was replaced in the living room and stairs in 2018; and two new window handles were changed in 2019. The Tribunal notes the fitting of two window handles does not constitute an improvement within the meaning of the legislation; they are works of day-to-day maintenance which are the landlord's responsibility in any event. The fitting of a carpet is a feature of the property and is discussed later.

24. Under 'Disrepair/Defects', Ms Jones says see the inspection report attached. The Tribunal has been provided with a copy of Motis Estates' inspection report of the property carried out by Kim Roux, dated 26 August 2025. The report includes various photographs, both internal and external. The report summary of the condition of each room is 'good', save the cloakroom/WC which is 'fair'. Under the commentary for the cloakroom/WC it says, 'Due to many different leaks going from the cloakroom to the business below the tenant does not use this room as a cloakroom but has a condensing tumble drier and storage.' The Tribunal notes the bathroom/WC on the second floor is omitted from the report.

25. Ms Jones says: (1) Folkestone Central railway station is 0.8 miles distant, (2) Middleburg Square bus station is 0.5 miles distant, and (3) Sandgate Road is 150-180 metres distant.

26. Ms Jones gives her assessment of the rental value - £935.00 per Calendar Month. Ms Jones attaches a Best Price Guide for properties marketed from 1 January 2026 to 15 July 2026 of five properties within one quarter of a mile from the property, each comprising three bedrooms and in the rental value range of £945 per calendar month up to £1,300 per calendar month.

27. On the question of whether the maximum fair rent order should apply, Ms Jones says 'N/A', but gives no reasons for the same. Finally, on whether the demand for such properties exceeds supply, Ms Jones says 'Yes, three-bedroom properties in Folkestone are in demand and very desirable when they come to the rental market.'

Ms Aldridge's Statement

28. Ms Aldridge outlines the features of the property as follows: (1) the landlord has provided central heating and double glazing, (2) she has provided the carpets, curtains and the White Goods, and (3) there is a balcony.

29. Under 'Improvements', Ms Aldridge says the loft has been insulated, having been financed from a grant from the Government. The kitchen was replaced in 2003.

30. Under 'Disrepair/Defects' Ms Aldridge attaches a history of works with various photographs to assist her to present her case.

31. Under 'Any Other Comments' Ms Aldridge says the railway station, the town, seaside, bus stops and local shops are all within walking distance.

32. Whereas Ms Aldridge does not give her assessment of the rental value, she says she informed the Rent Officer that a neighbour pays a rent of £850 per month. Ms Aldridge has provided the Tribunal with outline details of 13 Majestic Parade which was advertised at £1,250 per month, then reduced to £1,150 per month. The property was described as having a modern kitchen, bathroom and includes a first-floor cloakroom/WC.

33. Ms Aldrige has provided photographs of properties referred to by Ms Jones at Augusta Gardens and Bouverie Road West. Ms Aldridge requests the current registered rent to be confirmed.

34. Ms Aldridge says throughout her tenancy, she has been responsible for redecorating the property at her own expense, including replacing carpets and vinyl flooring.

35. On the question of whether the maximum fair rent order applies, Ms Aldridge says there is no exemption. Ms Aldridge says that as she is not in the property industry, she is unable to address the question of whether demand for such properties exceeds supply.

The Law

When determining a fair rent, the Tribunal, in accordance with the Rent Act 1977 ('the 1977 Act'), section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or any other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In *Spath Holme Ltd v Chairman of the Greater Manchester & Lancashire Rent Assessment Committee* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Committee* [1999] QB 92 the Court of Appeal emphasised:

(a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and

(b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparable lettings. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparable lettings and the

subject property).

36. Section 72A - Amounts attributable to services: In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992 or to assist the Secretary of State in the administration of universal credit, where a rent is registered, there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or appropriate tribunal, is fairly attributable to the provision of services, except any amount which is negligible in the opinion of the officer or, as the case may be, the tribunal.

37. The Tribunal is also to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 ('the Order'), where applicable. Most objections and determinations of registered rents are now subject to the Order, which limits the amount of rent that can be charged by linking increases to the Retail Price Index ('RPI'). It is the duty of the Property Tribunal to arrive at a fair rent under section 70 of the Act, but in addition to calculate the maximum fair rent which can be registered, according to the rules of the Order.

38. If that maximum rent is below the fair rent calculated as above, then that (maximum) sum must be registered as the fair rent for the subject property.

39. Section 2(7) of the Order is as follows, 'This article does not apply in respect of a dwelling-house if because of a change in the condition of the dwelling-house or the common parts as a result of repairs or improvements (including the replacement of any fixture or fitting) carried out by the landlord or a superior landlord, the rent that is determined in response to an application for registration of a new rent under Part IV exceeds by at least 15% the previous rent registered or confirmed.' The Tribunal expands on this later.

40. The tenancy is a statutory (protected) periodic tenancy and as such (not being for a fixed tenancy of 7 years or more) is subject to section 11 of the Landlord and Tenant Act 1985, which sets out the landlord's statutory repairing obligations; the tenant is responsible for internal decorations.

Considerations and Valuation

41. Having reviewed the papers, the Tribunal first considered whether it felt able to decide this case reasonably and fairly based on the papers submitted only, with neither an inspection, nor an oral hearing. Having read and considered the papers the Tribunal decided it could do so.

42. In the first instance the Tribunal determined the market rent per calendar month which the landlord could reasonably expect to receive on the valuation date, 17 August 2026, on the assumptions the property was in good condition, with carpets (flooring coverings), curtains and white goods provided by the landlord.

43. The Tribunal has been provided with a screen shot of the Rent Officer's comparable lettings of self-contained properties with four rooms in the

CT20 postcode. The market rents range from £155.77 per week, up to £300.00 per week; neither the dates for which, nor any further information have been provided.

44. Both Ms Jones and Ms Aldridge have provided comparable lettings evidence to support their cases and to assist the Tribunal. The Tribunal has gained most assistance from the 13 Majestic Parade and attributes weight to this comparable. Ms Aldridge has provided photographs of the properties in Augusta Gardens and Bouverie Road West, to which Ms Jones has referred.

45. The Tribunal notes Ms Jones attended the Rent Officer's consultation with Ms Aldrige at the property on 15 April 2026. Under the Rent Officer's 'Questions' and 'Responses' the Tribunal notes the following: 'T – All the other tenants in building are on ASTs, and they have had a rent change to £850 a month, why is she being asked for more, £900 [sic]. LL- not 100% why, but believes as she is on protected tenancy and they know they wont get what they ask for they were asked to put a higher amount [sic].'

46. Taking the above into consideration and of its own general knowledge of market rents in the area, at the valuation date, the Tribunal determined the market rent of the property to be £1,150 per calendar month, before any adjustment(s) which it deemed appropriate to be applied.

47. Ms Aldridge has confirmed whereas the landlord replaced the carpet in 2018, throughout the tenancy she has been responsible for redecorating the property, including replacing carpets and vinyl flooring.

48. Ms Aldridge says whereas the installation of insulation in the loft was financed with a grant from the Government, she initiated and arranged for the improvement to be carried out. Section 70(3)(b) of the 1977 Act says there shall be disregarded any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant under the regulated tenancy or any predecessor in title. The Tribunal has determined the insulation of the loft to be an improvement within the meaning of the legislation.

49. From the submissions, the Tribunal understands there are items of disrepair which include the cloakroom/WC, window handles and staining to a wall and ceiling pursuant to a water leak; and the kitchen and bathroom/WC equipment are dated.

50. From the submissions given by the parties, the information provided by the Rent Officer in its 'Determination' screen shot, the Tribunal has determined adjustments are required to be applied to the market rent to reflect: (1) no provision of carpets, curtains and flooring, (2) no provision of the White Goods, (3) the tenant's internal decorations' obligation, (4) dated kitchen equipment , (5) dated bathroom/WC equipment, (6) the installation of insulation to the loft, and (7) items of disrepair.

51. The Tribunal concluded a deduction in aggregate of £370 per calendar month be applied to the market rent, made up of as follows:

No carpets, curtains, floor coverings	£75
No White Goods	£45
Internal decorations' obligation	£60
Dated kitchen equipment	£50
Dated bathroom/WC equipment	£50
Improvement – loft insulation	£15
Items of disrepair	£75
£ Per Calendar Month	£370

52. £1,150 per calendar month minus £370 per calendar month to equal £780 per calendar month; or to equal £180 per Week.

53. Turning to the question of scarcity, that is whether demand for such properties exceeds the supply. Ms Jones says three-bedroom properties in Folkestone are in demand and very desirable when they come to the rental market. This does not directly address the question in terms of the legislation. Ms Aldridge does not address the question as she is not in the property industry. The Rent Officer has made a deduction from its adjusted market rent of 10% (in effect) for the same. With its general knowledge of the lettings market in the area, the Tribunal has concluded there is no adjustment required for scarcity in this registration of fair rent. Accordingly, the uncapped fair rent is £180 per Week.

54. The Tribunal now addresses the question as to whether the Order (the capping legislation) applies per se. Ms Jones says N/A; and Ms Aldridge says as per the wording in her 2026 rent registration, there being no exemption. The Tribunal determines the Order to apply.

55. The Tribunal is required to calculate the maximum fair rent prescribed by the Order in which the sum attributable to services from the Rent Register is negligible (being less than 5% of the rent). The Tribunal has calculated the maximum fair rent prescribed by the Order to equal £205.00p (Two Hundred and Five Pounds) per Week, when rounded up to the nearest 50 (Fifty) pence.

Decision

56. Accordingly, the Tribunal determined the Fair Rent of the property to be re-registered at **£180.00p (One Hundred and Eighty Pounds) per Week, to take effect from 17 August 2026.**

57. The capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 do not apply because the rent determined at paragraph 52 above is less than that prescribed by the Order.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making a written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.

2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

3. If the person wishing to appeal does not comply with the 28 days' time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 days' time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal and state the result the party making the application is seeking.