

FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case Reference	**:**	**HAV/29UB/F77/2026/0026**
Property	**:**	**Egerton House Cottage Egerton House Road Egerton Ashford Kent TN27 9BD**
Applicant Landlord	**:**	**Mountview Estates Ltd**
Representative	**:**	**None**
Respondent Tenant	**:**	**Ms C Hill**
Representative	**:**	**None**
Type of Application	**:**	**Rent Act 1977 ("the Act") Determination by the First-Tier Tribunal of the fair rent of a property following an objection to the rent registered by the Rent Officer.**
Tribunal Members	**:**	**Mr I R Perry FRICS Ms C D Barton MRICS**
Date of Inspection	**:**	**None. Determined on the papers**
Date of Decision	**:**	**7th October 2026**

DECISION

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Summary of Decision

On 7th October 2026 the Tribunal determined a Fair Rent of £605.50 per calendar month ("pcm") with effect from 7th October 2026.

Background

1. On 15th May 2026 the Landlord applied to the Rent Officer for registration of a fair rent of £616 pcm.

2. A rent was registered by the Rent Officer on the 13th July 2026 at a figure of £585 pcm. This new rent was effective from 14th August 2026.

3. On 9th August 2026 the Tenant objected to the rent and the matter was referred to the First-Tier Tribunal Property Chamber (Residential Property) formerly a Rent Assessment Committee.

4. The Tribunal does not routinely consider it necessary and proportionate in cases of this nature to undertake inspections or hold Tribunal hearings unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.

5. The Tribunal office issued directions on 28th August 2026 which informed the parties that the Tribunal intended to determine the rent on the basis of written representations subject to the parties requesting an oral hearing. No request was made by the parties for a hearing.

6. Both parties were invited to make submissions which should be copied to the other party.

7. Neither party made any further submission to the Tribunal.

8. These reasons address **in summary form** 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.

The Law

9. When determining a fair rent the Tribunal, in accordance with the Rent Act 1977, 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 other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

10. In *Spath Holme Ltd v Chairman of the Greater Manchester etc. 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 comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).

11. The Tribunal also has to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 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. 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. 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.

12. 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 landlords statutory repairing obligations; the tenant is responsible for internal decorations.

The Property

13. From the information provided and available on the internet, the property can be described as a period semi-detached house with accommodation comprising 2 Living Rooms, Kitchen, Bathroom and WC at ground level with 2 Bedrooms at first floor level. In the past the Tenant had erected a temporary chipboard partition to divide one of the bedrooms into two to make a third small room/area.

14. Outside there is a garden.

15. The property is situated in a rural area between Maidstone and Ashford, Kent, with few local amenities. Ashford is about 10 miles away.

16. The Energy Performance rating is ‘G’.

Evidence and Representations

17. The original tenancy began in December 1984.

18. The Tenant states that the house has no central heating, little or no insulation, dated ‘Crittall’ windows, poor fitting doors and windows, and that the kitchen, bathroom and WC are affected by mould and are virtually uninhabitable during the winter months.

19. The Tenant states that the doors and windows are ill fitting making it very difficult to heat the property during the winter months, and that they have constant issues with rodents in the property.

20. The Tribunal had regard to the observations and comments by the parties and also relied on its own knowledge and experience of local rental values in determining the rent.

Valuation

21. The Tribunal first considered whether it felt able to reasonably and fairly decide this case based on the papers submitted only, with no oral hearing. Neither party had requested an inspection or hearing. Having read and considered the papers it decided that it could do so.

22. In the first instance the Tribunal determined what rent the Landlord could reasonably be expected to obtain for the property in the open market if it were let today in the good condition that is considered usual for such an open market letting. Market rents are usually expressed as a figure per month and a letting would normally include floorings, curtains and white goods to all be provided by the Landlord.

23. In determining an 'open market rent' the Tribunal had regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rent levels in the area of Ashford and surrounding settlements. Having done so it concluded that such a likely market rent for a 2-bedroom semi-detached property would be £1,300 pcm.

24. However, the property was not let in a condition considered usual for a modern letting at a market rent. Therefore, it was first necessary to adjust that hypothetical rent of £1,300 per calendar month particularly to reflect the fact that the carpets, curtains and white goods were all provided by the Tenant which would not be the case for an open market assured shorthold tenancy.

25. Further adjustments were necessary to reflect the Tenant's liability for internal decoration, the dated Kitchen and Bathroom, very poor energy rating and insulation, lack of central heating and general condition including severe black mould growth affecting the rear rooms at ground level.

26. The Tribunal therefore considered that this required a total deduction of £680 pcm made up as follows:

Tenant's provision of carpets and curtains	£45
Tenant's provision of white goods	£30
Tenant's liability for internal decoration	£55
Unmodernised bathroom	£75
Unmodernised kitchen	£125
Poor EPC rating, lack of central heating, (electric panel heaters only), mould	£250
General wants of external repair	£100
TOTAL per month	£680

27. The Tribunal noted the number of properties available to rent in the area as advertised on Rightmove and Zoopla and concluded that there was no substantial scarcity element in the area considered.

Decision

28. Having made the adjustments indicated above the Fair Rent determined by the Tribunal for the purpose of section 70 of the Rent Act 1977 was accordingly £620 pcm.

29. The Section 70 Fair Rent determined by the Tribunal is above the maximum fair rent of £605.50 permitted by the Rent Acts (Maximum Fair Rent) Order 1999 details of which are shown on the rear of the Decision Notice and accordingly we determine that the lower sum of £605.50 pcm is registered as the Fair Rent with effect from 7th October 2026.

Accordingly, the sum of £605.50 pcm will be registered as the Fair Rent with effect from the 7th October 2026 this being the date of the Tribunal's decision.

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 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 day 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 day 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.