

Housing and Property Chamber
First-tier Tribunal for Scotland



Rent (Scotland) Act 1984

Notification Of Decision

REFERENCE NO.	OBJECTION RECEIVED	OBJECTION
FTS/HPC/RR/25/2118	15 May 2025	Landlord

ADDRESS OF PREMISES

26 Iona Crescent, Old Kilpatrick, G60 5NU

TENANT

Mr Ronald Blaney

**NAME AND ADDRESS OF
LANDLORD**

Dalmuir Park Housing Association
Beardmore House, 631 Dumbarton
Road, Clydebank, G81 4EU

AGENT

N/A

DESCRIPTION OF PREMISES

Semi-detached house
1983-2002
With full central heating

SERVICES PROVIDED

TV aerial
Grounds maintenance

TRIBUNAL MEMBERS

CHAIRPERSON

Fiona Cook

ORDINARY MEMBER (SURVEYOR)

Peter McEachran

ORDINARY MEMBER

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 6585.00 p.a.	October 2025	22 nd October 2025

Background

The tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984. Although described in the register as a terraced property the property is in fact semi-detached.

The rent was £5034.12. On 7th April 2025 the Landlords applied for the rent to be increased to £6835.65 per annum. The Rent Officer registered a rent of £5828.97 as of 2nd May 2025. The Landlords appealed this decision. The Landlords referred the determination to the First-tier Tribunal on 14th May 2025.

The Landlords noted that the requested rent had been granted on two other applications which they stated, “are identical properties” and that the difference in the rents was being queried by “a concerned neighbour” whose rent was more than the rent set by the Rent Officer for this property.

The Inspection

The property was inspected by Fiona Cook and Peter McEachran on the morning of 22nd October 2025 at which time the weather was dry and fair.

Mr Blaney was in attendance during the inspection. The Landlords did not attend and were not represented. Neither party attended the hearing. Neither party had sent written representations to the Tribunal.

Contrary to the description in the papers provided, the property at 26 Iona Crescent is a semi-detached property. Throughout the paperwork received by the Tribunal the property has been described as a “terraced property”. It is also at times in the paperwork referred to by the Landlord as 26 Iona Court rather than Crescent. The property is also described as a “terrace” property on the Register of fair rents.

Location: The property is situated within a residential area of Old Kilpatrick, a village located on the north side of the River Clyde to the west of the city of Glasgow. Dalmuir and Clydebank are nearby. There are local schools and chopping facilities nearby.

Description: The property comprises a 2 storey semi detached house thought to have been constructed around 1993. The house is of cavity brick and block construction with a pitched tiled roof.

The accommodation extends to 85m² (gross internal) or thereby and comprises: -

Ground Floor : entrance hall, living room, dining area, kitchen

1st floor: landing, 3 bedrooms, bathroom

The property is connected to mains gas, electricity, water and drainage.

There is a gas fired central heating system, and the property is double glazed.

There is parking directly outside the property in marked parking spaces although there is no dedicated parking space allocated to the property.

The services provided by the Landlord for an annual fee of £139.44 are for a TV aerial and grounds maintenance. The sum is variable. No other services are provided.

The Hearing

Neither party was in attendance or represented at the hearing which took place at the Glasgow Tribunals Centre, 20 York Street, Glasgow on the afternoon of 22nd October 2025.

Decision

The Tribunal had the following documents before it:-

- (i) a copy of form RR1, the Landlords' application for registration of the rent.
- (ii) a copy of the Rent Officer's determination.
- (iii) a copy of the Landlords' letter of 14th May 2025 objecting to the rent registered by the Rent Officer.

The Tribunal considered these documents and rental evidence.

The Tribunal Members were mindful of the terms of section 48(1) of The Rent (Scotland) Act 1984, which requires the Tribunal 'to have regard to all of the circumstances (other than personal circumstances) and in particular to apply their knowledge and experience of current rents of comparable property in the area, as well as having regard to the age, character and locality of the dwelling house in question and to its state of repair and, if any furniture is provided for use under the tenancy, and to the quantity, quality and condition of the furniture'. Also, Section 48(2) requires them to 'assume that the number of persons seeking to become tenants of similar dwelling-houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling-houses which are available to let on such terms.'

The Tribunal recognised that the three methods of assessing the rent in Scotland are:-

- (1) determining the fair rent by reference to comparable registered rents in the area.
- (2) determining the fair rent by reference to market rents of comparable properties allowing for appropriate deductions for scarcity and
- (3) determining the fair rent by reference to the anticipated annual return based on the capital value of the property.

They acknowledged that none of these methods is the primary method. The task of determining a fair rent is a composite task which takes account of these three methods.

The appropriate method depends on the facts and circumstances of each case. The Tribunal also considered the observations of the Lord President in *Western Heritable Investment Co Ltd v Hunter* (2004) and also the case of *Wright v Elderpark Housing Association* (2017) which requires the Tribunal to proceed on the best available evidence and use the other evidence as a cross check, where possible.

The Tribunal considered the evidence of recent registered rents in the Fair Rent Register.

The Tribunal identified that there were 5 properties in the development that were similar to the property in that they were semi-detached, had the same number of bedrooms and public rooms and were noted on the Scottish Energy Performance Certificate Register to have the same total floor area (85m²). Two of those properties had registered fair rents :-

4 Iona Crescent , Rent £6835.56 effective from 8th May 2025

6 Iona Crescent, Rent £6585.24 effective from 2nd May 2025

The property at 10 Iona Crescent which is also semi-detached is also the subject of an appeal to the First-tier Tribunal by the Landlords but previously had an identical rent to the property at 26 Iona Crescent. The property at 24 Iona Crescent which is attached to Mr Blaney's home is not registered and is now presumably privately owned. The only other semi-detached property, 12 Iona Crescent is similarly not registered.

It was not clear to the Tribunal why there was a difference of £250 between the rents for the properties at 4 and 6 Iona Crescent.

Scarcity

As already noted, when the Tribunal fix a fair rent they must do so on an assumption that the number of persons seeking to become tenants of similar properties in the locality of the Property is not substantially higher than the number of similar dwelling houses which are available for lease. The Tribunal was satisfied from the evidence before it that there was a reasonable balance between supply and demand in the area and that scarcity was not, therefore, an element which affected the rental levels.

The Parties had not provided any evidence of capital valuations of the Property, and the Tribunal was mindful that the capital valuation method has been described as notoriously unreliable "normally to be used only as a last resort" (*Western Heritable Investments Co Ltd v Husband* 1983 SC (HL) 60,73).

The Tribunal decided that the properties at 4 and 6 Iona Crescent were the best comparable properties. They are similarly owned/managed by Dalmuir

Housing Association. The tenants pay similar service fees, the properties have the same overall floor space and have similar sized enclosed back gardens and parking arrangements.

The Tribunal is mindful that fixing the rent is a composite task and consequently after consideration of all these factors the Tribunal decided that a fair rent for the Property is £6585 per annum (£548.75 per month) this being the lower of the two similar properties within the same development.

In reaching this decision the Tribunal had regard to all the considerations required to be considered in terms of Section 48 of the Rent (Scotland) Act 1984.

This decision takes effect from 22nd October 2025, that being the date of determination.

In terms of section 46 of the Tribunals (Scotland) Act 2014, a party aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

F Cook
Chairperson