

Housing and Property Chamber
First-tier Tribunal for Scotland



FIRST TIER TRIBUNAL FOR SCOTLAND (HOUSING AND PROPERTY CHAMBER)

Notification Of Decision in relation to an application under s.28 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act")

REFERENCE NO.	OBJECTION RECEIVED	OBJECTION
FTS/HPC/RN/25/2191	21 May 2025	Landlord

ADDRESS OF PREMISES

4D Carnock Street, Greenock, PA15 1HB

TENANT

Miss Kirsten Clark

**NAME AND ADDRESS OF
LANDLORD**

AGENT

RRJ lettings LTD
CLYDE OFFICES
48 2/3 WEST GEORGE STREET
GLASGOW
G2 1BP

N/A

TRIBUNAL MEMBERS

CHAIRPERSON

Fiona Cook

ORDINARY MEMBER (SURVEYOR)

Sara Hesp

RENT	DATE OF DECISION	EFFECTIVE DATE
£ 385	31 st October 2025	31st October 2025

Introduction

1. The Tribunal was in relation to the property at 4D Carnock Street, Greenock, PA15 1HB. The landlords are RRJ lettings Ltd, Clyde Offices 48 2/3 West George Street, Glasgow, G2 1BP. The tenant is Miss Kirsten Clark. The tenancy is a private residential tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act"). The tenant has been the tenant of the property since 12th September 2022.
2. On 1st April 2025 the landlord's agent served a notice on the tenant under Section 22(1) of the 2016 Act indicating that the landlords intended to increase the rent on the property from £350 per calendar month to £425 per calendar month as of 4th July 2025.
3. The tenant timeously objected to that proposed increase by referring the proposed increase to the Rent Service Scotland.
4. By determination dated 24th April 2025 the rent officer fixed the rent at £425 per calendar month. Reference was made by the rent officer to 2 comparable properties nearby. One of these properties had a monthly rent of £425 with the other one having a rent of £420 per calendar month.
5. The tenant asked the rent officer to reconsider the proposed amount of £425. After reconsideration the rent officer's decision was that the rent should be £385 per calendar month. Again 2 comparable rents were referred to in the decision. One property had a rent of £375 with the other having a rent of £395.
6. The landlords appealed that decision, and the matter was referred to the First-tier tribunal and both parties were invited to make written representations.
7. Both parties were notified that an inspection and hearing would take place and were invited to attend both the inspection and the hearing. The inspection took place at the property on 31st October 2025 at 10am. The hearing was due to take place on the same day at 11.45am. The tenant and her mother were present during the inspection.

Findings in fact

8. The property is in central Greenock, close to local amenities and public transport. The property comprises a second floor 1 bedroom flat in a 4 storey tenemental property built of red sandstone with a slate roof. The property is part of a single block in a largely commercial area, adjacent to a fire station and bounded to the rear by a railway track. There is a licensed premises to part of the ground floor. Externally the block is in a tired condition. There is some exfoliation and cracking to the sandstone and some areas of apparent damp penetration.

9. The property comprises a hall, kitchen, bathroom, bedroom, living room and a dark storeroom extending to 46 sq. metres. The accommodation itself was quite basic with single glazed windows. The property was let unfurnished, but the landlord had provided a washing machine and there was a built-in cooker and hob. The tenant had not made any improvements to the property.
13. There was a door entry system, and the property has access to a communal drying green at the rear of the property. There was no dedicated parking space for the property but on street parking was available outside and near to the property.
14. Some cracking at the rear of the tenement was noted and in the communal stairwell leading from the property to the top floor. While not apparently impacting directly on the flat at the current time there did appear to be structural defects that require the landlord's further consideration in order to maintain the property in a reasonable state of repair. This did not influence the Tribunal's decision making and is included as an observation from the inspection.

The Hearing

15. Neither party was in attendance nor represented at the hearing which took place at the Beacon, Greenock on the afternoon of 31st October 2025. Both parties provided the tribunal with written representations in advance of the hearing.
16. The Tribunal noted that there were matters raised by both parties in their submissions that were not relevant to the decision that was being appealed. This included reference to the tenant keeping pets and who else might, potentially, be staying at the property.
17. The Tribunal noted that the Applicant's sought to increase the rent to £425. They had been content with the provisional order of the rent officer to fix the open market rent at £425. They referred to comparable properties in Greenock at Cathcart Street, Belville Street, Holmscroft Street, South Street, Prospecthill Street and Murdieston Street. The Tribunal members viewed properties at those externally and immediately following their inspection of the property. No specific addresses were provided but in their submissions the landlord's agent noted that the properties are all within a one-mile radius of the property at 4 Carnock Street. The rents for these properties were between £425 and £495 per calendar month.
18. The tenant provided the Tribunal with submissions and although these do not expressly set out her position as regards the proposed rent it was noted that she had not appealed the s.25 decision of the Rent Officer.

The legislative requirements

19. Section 29 of the 2016 Act provides that, where an appeal is made to the Tribunal under Section 28(1) of the Act, the Tribunal must make an order stating that from the effective date the rent payable under the tenancy is the rent determined by the Tribunal in accordance with Section 32 of the Act. By Section 29(2) of the Act, the effective date in the present application is the first payment date falling on or after the day on which the Tribunal makes its Order.
20. Section 32 of the Act states that the determination is to be made on the basis that the property in question would be let by a willing landlord to a hypothetical willing tenant under a new tenancy which would (a) be a Private Residential Tenancy, (b) begin on the date on which the rent would have been increased in accordance with the rent-increase notice, had a referral to a rent officer not been made, and (c) have the same terms as the tenancy to which the referral or (as the case may be) appeal relates.
21. The provisions set out in s.31A of the 2016 Act have now been repealed and the rent-increase notice was served on the tenant on 1st April 2025 - after that provision was repealed on 30th March 2025.
22. There is no public register of rentals in Scotland and valuation is largely by evidence of advertised rentals in the district and the application of the knowledge and experience of the Tribunal Members. The rent officer only provides the briefest of detail of comparisons used in their assessment with no specific address, style, floor area or rationale as to how their valuation is arrived at. Accordingly, the Tribunal cannot analyse the rent officer's assessment. The rent officer had not inspected the Property.
23. The assessment by the Tribunal is necessarily based on taking what evidence is available and adjusting for the differences in age, style, accommodation, floor area and any other relevant factors, such as location, condition, garden, garage, amenity etc., to arrive at a valuation that can be compared with that of the rent officer. The Tribunal members visited the locations of the comparable properties proved by the landlord's agents and the properties referred to by the Rent Officer at the reconsideration stage.

Decision

24. The Tribunal had the following documents before it: -
 - (i) a copy of the Rent Increase notice issued by the landlords on 1st April.
 - (ii) a copy of the rent officer's determination of 24th April 2025
 - (iii) a copy of the rent officer's reconsideration of 9th May 2025

- (iv) a copy of the Landlords' letter of 21st May 2025 objecting to the rent registered by the Rent Officer
- (v) a copy of the original tenancy agreement dated 12th September 2022
- (vi) an exchange of emails between the parties between 29th April and 1st May 2025

The Tribunal considered these documents and rental evidence and the written submissions along with attached photographs sent by the landlord's agents and the tenants' submissions.

24. The Tribunal is aware that the two relevant methods of assessing the open market rent in Scotland are: -
 - (a) determining the open market rent by reference to market rents of comparable properties or
 - (b) determining the open market rent by reference to the anticipated annual return based on the capital value of the property. Neither of these methods is the primary method.
25. 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.
26. The Tribunal accordingly considered a variety of properties which were available for let in the area and carefully considered the written submissions received from both parties. As has been mentioned earlier the Tribunal members visited the locations of several properties which were suggested to be comparable properties as part of their inspection and in advance of the hearing. The Tribunal members unanimously agreed that there was a distinction between the property and the comparable properties particularly in relation to location. All the comparable properties identified by the Landlord's agents and by the rent officer were in what could be described as established residential areas. Some may have been above shops and were close to Greenock town centre but the property at Carnock Street was in the least attractive location and in a location that was more industrial than residential. As has been mentioned the property overlooked a fire station and was close to a busy supermarket and petrol station. It also appeared that all the comparable properties may have had double glazing of varying quality. Carnock Street had single glazed windows.
27. The Tribunal noted that the open market rent chosen by the rent officer was initially £425 but at reconsideration was £385. The Tribunal decided that given the evidence before it, that £425 was an appropriate

open market rent for a one-bedroom property in Greenock in a residential area. The property in Carnock Street could not be described as being in residential area. Given the location of the property and the distinction in the location in relation the comparable properties and having considered all the available evidence the Tribunal determined to fix the open market rent for the property at £385 per calendar month.

28. This decision takes effect from 31st October 2025, that being the date of determination and taking into account the provisions of section 29 (2) of the Act.
29. The decision of the Tribunal was unanimous.

F Cook
Chairperson
31st October 2025