

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') issued under section 26 of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017.**

**Chamber Ref: FTS/HPC/RR/25/2106**

**10 Iona Crescent, Old Kilpatrick G60 5NU ('the Property')**

**The Parties:**

**Dalmuir Park Housing Association, Beardmore House, 631 Dumbarton Road, Clydebank G81 4EU('the Landlords')**

**Charles McKeown residing at 10 Iona Crescent, Old Kilpatrick G60 5NU ('the Tenant')**

**Tribunal members:**

**Stuart Gibb (Chairperson) and Kingsley Bruce (Ordinary Member).**

### **1. BACKGROUND**

The Tenant is a tenant of Dalmuir Park Housing Association. The tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984. The current rent is £5034.12 per annum. The Landlord applied for the rent to be increased to £6835.56 per annum. The Rent Officer registered a rent of £5828.97 per annum with effect from 2<sup>nd</sup> May 2025. The Landlord referred the determination to the First tier Tribunal.

### **2. DIRECTION**

In determining the fair rent for the Property the Tribunal are required to consider the rentals of comparable properties and whether there is a scarcity of supply of rental properties in the locality. The Tribunal advise that they have sourced the following rental information:

1. Details of four Fair rent properties within Iona Crescent from the Fair Rent eRegister.

2. Details of two comparable three bedroom properties advertised as available to rent.
3. Details of two comparable two bedroom properties advertised as available to rent

### **3. THE INSPECTION**

On the morning of 13<sup>th</sup> November 2025 the Tribunal inspected the Property. The Tenant was present at the inspection. The Landlords were not present and were not represented.

The property is a semi detached house which is approximately 25/30 years old. It is located in Old Kilpatrick.

The accommodation comprises:

Ground floor: living room with small external patio accessed via patio doors, kitchen and hall cupboard (an internal stair leads to the first floor).

First Floor: three bedrooms, cupboard and bath room.

The gross internal floor area is approximately 81 square meters.

There is a gas central heating system in the Property. The windows throughout the Property are double glazed.

At the rear of the Property is a garden area.

Off-street parking is available outside the house.

### **4. THE HEARING**

An "in person" hearing took place at the Glasgow Tribunal Centre, 20 York Street, Glasgow, G2 8GT at 1pm, following the inspection. The Tenant did not attend the hearing and was not represented. The Landlords did not attend and were not represented. The Tribunal were satisfied that the Landlords had been notified of the hearing and proceeded with the hearing in terms of Procedure Rule 29.

### **5. THE DECISION**

The Tribunal had the following documents before them:-

5.1 A copy of form RR1, the Landlords' application for registration of the rent, and a written representation from the Tenant received on 28<sup>th</sup> October 2025 in which the Tenant describes the increase as more than double the rate of inflation which he feels it is not compatible with the Housing Association's status as a social landlord.

5.2.1 The comparable properties being advertised for let and considered by the Tribunal are as follows:

Address	Accommodation	Asking rent	Other
10 Gladstone Street, Dalmuir	3 bed, 1 bath, Liv Kit, balcony	£1050pcm	Unfurnished. Modern. SDV, Private Sector, OSP
Shakespeare Avenue, Clydebank	3 bed, Liv Kit Bath	£950pcm	Unfurnished, upper 4 in a block, Ex Local authority SP, GIA 86sqm
Betula Drive, Parkhall	2 bed, Liv, Kit Bath	£795pcm	Unfurnished, 4 in a block, Ex Local authority SP
Lawrence Court, Drumchapel	3 bed, Liv, Kit, 2 Bath	£1100pcm	Unfurnished SD, Private Sector, OSP, House

#### 5.2.2 Details of Fair rent properties from the Fair Rent eRegister.

Address	Accommodation	Registered	Rent
22 Iona Crescent	4 Rooms Kitchen / Bathroom, Terraced	8 <sup>th</sup> May 2025	£5968.41
4 Iona Crescent	4 Rooms Kitchen / Bathroom, Semi	8 <sup>th</sup> May 2025	£6835.56
26 Iona Crescent	4 Rooms Kitchen / Bathroom, Terraced	2 <sup>nd</sup> May 2025	£5828.97
6 Iona Crescent	4 Rooms Kitchen / Bathroom, Semi	2 <sup>nd</sup> May 2025	£6585.24

The Tribunal considered the condition of the Property, the representations and the documents provided and referred to above. In doing so, the Tribunal noted that the fittings, whilst entirely serviceable, appeared to be a number of years old, showing signs of wear consistent with age and type.

The Tribunal 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) which 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 also gave consideration to 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 reviewed the evidence of registered rents in the Fair Rent Register.*

The Tribunal considered that the rents for the neighboring properties were the most relevant rents for the purpose of the Tribunal. The Tribunal therefore determined that the rent for 10 Iona Crescent, Old Kilpatrick G60 5NU using the evidence of the registered rents is £6835.56 per annum.

*The Tribunal also considered the evidence of market rents.*

The Tribunal considered the most comparable properties to be those listed above in Dalmuir and Drumchapel, with allowance made for differences, but given the other evidence available for properties in the same street, the Tribunal gave greater weight to those.

### *Scarcity*

As already noted, when the Tribunal fix a fair rent using market rental evidence 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.

In considering the matter of scarcity the Tribunal considered that time taken to let properties and rent increases are factors that contribute to determining if scarcity exists.

Citylets, which describes itself as "the leading authority on the private rented sector and (which) has built up a strong reputation for well-informed insightful commentary,

market analysis and is now a trusted media source on local and national rental issues” prepares a quarterly market report which is often used in cases like this but they do not specifically cover Dunbartonshire, Clydebank or Dumbarton. The Tribunal used its own expertise and considered that scarcity was generally an issue in the market place although they could not place a specific figure on it.

*The Tribunal considered if it was appropriate to use a return on the capital valuation of the Property.*

The parties had not provided any evidence of capital valuations of the Property. The Tribunal were mindful that the capital valuation method has been described as notoriously unreliable ‘normally to be used only as a last resort’ (Western Heritable Investment Co Ltd v Husband 1983 SC (HL) 60, 73). Given the strong evidence of comparable fair rents and market rents and the absence of evidence of capital valuations the Tribunal determined that it was appropriate to proceed to assess the fair rent of the Property without using the capital valuation method.

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**The Tribunal are mindful that fixing the rent is a composite task and consequently after consideration of all these factors the Tribunal determined that there is sufficient evidence to support the rent sought by the Landlords. Accordingly, the Tribunal determined that the fair rent for the Property is £6835.56 per annum.**

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

This decision takes effect from 2<sup>nd</sup> May 2025.

### **Appeals**

**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.

# S Gibb

Stuart Gibb  
Chairperson

25th November 2025