

Housing and Property Chamber
First-tier Tribunal for Scotland



Rent (Scotland) Act 1984

Notification Of Decision

REFERENCE NO.	OBJECTION RECEIVED	OBJECTION
FTS/HPC/RR/25/3389	7 th August 2025	Tenant

ADDRESS OF PREMISES

Flat 2/1 Caledonia Street, Clydebank, G81 4EX

TENANT

Mr Charles and Mrs Lesley White

**NAME AND ADDRESS OF
LANDLORD**

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

AGENT

N/A

DESCRIPTION OF PREMISES

Traditional red sandstone tenement
Second floor flat in corner position
Double glazed
With full central heating

SERVICES PROVIDED

TV aerial
Grounds maintenance
Stair lighting, stair cleaning
Door entrance system
Common ventilation

TRIBUNAL MEMBERS

CHAIRPERSON

Fiona Cook

ORDINARY MEMBER (SURVEYOR)

Peter McEachran

ORDINARY MEMBER

RENT	DATE OF DECISION	EFFECTIVE DATE
£ 5840.00 p.a.	11 th December 2025	11 th August 2025

Background

The tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984. The property is a second floor flat in a traditional tenemental property.

The rent was £5044.89. On 20th May 2025 the Landlords applied for the rent to be increased to £5903.34 per annum. The Rent Officer registered a rent of £5903.34 as of 11th August 2025. The Tenants appealed this decision. The Rent Valuation Officer referred the determination to the First-tier Tribunal on 8th August 2025.

The property was previously registered in the fair rents register on 27th April 2022.

The Landlords reported that the boiler had been replaced in the property in 2022. No other substantial changes were reported.

The Inspection

The property was inspected by Fiona Cook and Peter McEachran on the morning of 11th December 2025 at which time the weather was dry and partially overcast.

Mr Charles White was in attendance during the inspection. The Landlords did not attend and were not represented.

Mr Charles White attended the hearing. Neither party had sent written representations to the Tribunal.

Location: The property is situated within a residential area of Clydebank located on the north side of the River Clyde to the west of the city of Glasgow. There are local schools and shopping facilities nearby. It is situated on a busy thoroughfare within a residential area but with commercial properties on the ground floor.

Description: The property is a second floor flat in a 4-storey tenement built of red sandstone, with a concrete tile roof and has timber casement double glazed windows. The tenement is thought to have been constructed around 1900.

The accommodation extends to 104m² (gross internal) or thereby and comprises: -: entrance hall, living room, kitchen, 3 bedrooms, a box room and a bathroom.

The property is connected to mains gas, electricity, water and drainage. There is a gas fired central heating system, and the property has double glazed windows of a mixed age.

There is on street parking directly outside the property although there is no dedicated parking space allocated to the property.

The services provided by the Landlord for an annual fee of £458.88 are for stair lighting, stair cleaning, the door maintenance system, common ventilation, TV aerial and grounds maintenance. The sum is variable. No other services are provided.

The Hearing

Mr White attended the hearing which took place at the Glasgow Tribunals Centre, 20 York Street, Glasgow on the afternoon of 11th December 2025. He accepted that there would be an increase in his rent and understood why that was being requested but maintained that the increase was excessive.

The Landlords were not present or represented.

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 Tenants letter of 7th August 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 an open market 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. There were not many similar properties on the register, but the Tribunal noted a property at :-

Flat 3/1 569 Dumbarton Road, Clydebank, Rent £5908.20 effective from 30th January 2025

This property was larger than the property at Caledonia Street (extending to 121m²) and was similarly a traditional tenemental property above commercial premises. The property has the same landlords as the property at Caledonia Street.

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 property at 569 Dumbarton Road, Clydebank was the best comparable properties. It is owned/managed by Dalmuir Housing Association. The tenant pays similar service fees, the properties have the similar but not identical overall floor space but are similar in location 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 £5840 per annum (£486.67 per month). This is slightly less than the larger property let by the Landlords at 569 Dumbarton Property but allows for an increase of 5% per annum since the last rent was registered.

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 11th August 2025.

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

F Cook
Chairperson