

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision in respect of a referral to the First-tier Tribunal for Scotland Housing and Property Chamber for a Determination of Rent under Section 28(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/RN/25/2671

Property: Flat 3F2, 30 Kirk Street, Edinburgh EH6 5EZ (“the Property”)

Parties:

Mr Peter Aslet and Mrs Lynda Aslet, c/o Rockford Properties Limited, 50 Castle Street, Dundee DD1 3AQ (“the Landlords”)

and

Mr Kyle Scott, Flat 3F2, 30 Kirk Street, Edinburgh EH6 5EZ (“the Tenant”)

Tribunal members: George Clark (Legal Member/Chair) and Sara Hesp (Ordinary Member/Surveyor)

Background

1. The lease in the present case is a Private Residential Tenancy with a current rent of £403.76 per month. It is understood to have commenced in December 2021 and to be for the exclusive occupation of a double bedroom within the Property, with shared use of living, kitchen and bathroom facilities. On 6 April 2025, the Landlords gave notice to the Tenant of their proposal to increase the rent from £404.76 per month to £600 per month from 15 July 2025. The Tenant referred the rent for determination by Rent Service Scotland, and, on 5 June 2025, the Rent Officer determined the open market rent to be £695 per month.

2. On 19 June 2025, the Tenant appealed against the Rent Officer's decision to the Tribunal under Section 28(1) of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act/the Act"). He contended that the rent increase was too much of an increase in a short space of time and would mean that he would have to move out as he does not earn enough to pay rent of £695 per month. Some tenants in much larger rooms in the Property are, he said, paying less than the amount being asked of him and there are also empty rooms in the Property currently being advertised for less than £695 per month.
3. On 9 December 2025, the Landlords provided written submissions, in which they said that they had on that day agreed the letting of another room in the Property at a monthly rent of £695. They provided a copy of the pro forma tenancy agreement for that letting and stated that the new tenant was due to move in on 30 December 2025.

The Inspection

4. The Tribunal arrived to inspect the Property on the morning of 10 December 2025. The Tenant was not, however, present, so the Tribunal Members could not inspect the bedroom rented by him, but, having been admitted to the Property by a tenant of one of the other bedrooms, the Tribunal Members were able to inspect the common areas. The Landlord, Mr Aslet, was present, as were Ms Hazel Young and Ms Natalie Robertson of Rockford Properties Limited, the Landlords' letting agents.

The Hearing

5. Following the Inspection, a Hearing was held at George House, 126 George Street, Edinburgh. The Tenant was not present or represented. The Landlord, Mr Aslet, was present and was represented by Ms Young and Ms Robertson.
6. The Landlord's representatives told the Tribunal that the rents for the rooms within the flat ranged from £600 to £695. Each bedroom is provided with the same furniture, namely a double bed, wardrobe, desk, chair and bedside table, and the rooms are all of similar size. The communal sitting room furniture, oven and hob, microwave, fridge-freezer and washer-dryer are

provided by the Landlord. No services are provided. When rooms become available, they usually rent out again in 4-5 weeks, but that includes the 4-week notice period that the outgoing tenant must serve.

Reasons for Decision

7. 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.
8. 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.
9. The property is in a mixed residential and commercial area in Leith, to the south of Edinburgh city centre. The property is conveniently located for local services and amenities, including bus routes and Edinburgh Trams.
10. The subject property is part of a top floor flat within a three-storey purpose-built traditional block of flats. The roof is pitched and tiled. There is an internal stair leading to the attic level floor and the subject property is one of three bedrooms on that level. On the lower level there are two bedrooms, a communal lounge and a communal kitchen with dining area. There is an internal bathroom with a shower unit on the lower level and on the upper level a bathroom with a shower screen. The shower screen is in poor condition. The kitchen is basic and dated. The electric oven, hob, white goods, carpets

and other floorcoverings are provided by the Landlords and the bedrooms are furnished.

11. There is no public register of rentals in Scotland and valuation is largely by evidence of advertised rentals in the district and by way 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.
12. The Tribunal had identified a number of 5-bedroom flats presently available to let in the area. They included Elgin Terrace, where the rent was £695 per room, Bonnington Road at £575 per room and Great Junction Street at £650 per room. The last two properties are both located on a busy thoroughfare, whereas the present Property is in a relatively quiet location.
13. The Tribunal considered carefully the evidence before it. The Tenant had not provided any evidence of rental levels of the other rooms in the Property or rooms in shared flats elsewhere in the locality, and the only evidence offered by the Landlords related to another room in the flat of which the subject property forms part that they had agreed to rent on the previous day at £695 per month.
14. Having regard to the particulars of the subject property, the limited market evidence and market trends, it is the Tribunal's decision that the best comparisons available are the recent letting of another room in the same flat, supported by the figure in relation to Elgin Terrace.

Decision

15. The Tribunal determined that an open market rent for the Property compliant with the provisions of Section 32 of the Act would be £695 per calendar month, payable with effect from the first payment date falling on or after the date of this Decision.
16. The Tribunal's Decision was unanimous.

17. In terms of Section 30 of the 2016 Act, the Tribunal's Decision is final and cannot be appealed.

G Clark

(Legal Member/Chair)

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Date: 10 December 2025