

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/25/3219	25 th July 2025	Tenant

ADDRESS OF PREMISES

0-2 3 Thornwood Avenue, Glasgow G11 7TW

TENANT

Ms Hazel McGrath

**NAME AND ADDRESS OF
LANDLORD**

Ecosse Estates LTD
Kirkhill House
Room 2, Office 8
GLASGOW
G77 5LL

AGENT

Jane Straine (Property manager)

TRIBUNAL MEMBERS

CHAIRPERSON
ORDINARY MEMBER (SURVEYOR)

Fiona Cook
Peter McEachran

RENT	DATE OF DECISION	EFFECTIVE DATE
£688	20 th January 2026	1 st February 2026

Introduction

1. The Tribunal was in relation to the property at 0-2 3 Thornwood Avenue, Glasgow G11 7TW. The landlords are Ecosse Estates Ltd Kirkhill House Room 2, Office 8 Glasgow. The tenant is Miss Hazel McGrath. 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 3rd June 2021.
2. On 26th June 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 £658 per calendar month to £688 per calendar month as of 1st October 2025.
3. The tenant timeously objected to that proposed increase by referring the proposed increase to the Rent Service Scotland.
4. By determination dated 17th July 2025 the rent officer fixed the rent at £770 per calendar month. Reference was made by the rent officer to 2 comparable properties nearby. One of these properties one had a monthly rent of £795 with the other one having a rent of £750 per calendar month.
5. The tenant appealed that decision to the First-tier Tribunal and both parties were invited to make written representations. Only the tenant sent written representations to the Tribunal in advance of the hearing.
6. 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 20th January 2026 at 10am. The hearing was due to take place on the same day at 11.45am. The tenant was present during the inspection. Both parties attended the hearing.

Findings in fact

8. The property is in Thornwood Glasgow, close to local amenities and public transport. The property comprises a ground floor 1 bedroom flat in a 4 storey tenemental property built of red sandstone with a concrete/ tile roof with slated sections. The exterior showed signs of both lack of maintenance and rudimentary maintenance.
9. The property comprises a hall, small kitchenette, bathroom, bedroom, living room and a small area off the bedroom being used for storage. The boiler was situated in this space. The accommodation had double glazed windows. The property was let unfurnished, but the landlord had provided a washer/dryer and a fridge machine and there was a built-in cooker and hob. The tenant had not made any improvements to the property. She and the landlord had contributed equally to a new washer/dryer in 2025 and that was to be considered

her property should she move and she had also purchased a new fridge/freezer but had not sought that the landlords contribute to that.

13. There was a door entry system, and the property has access to a communal drying green at the rear of the property which was not well maintained. There was no dedicated parking space for the property but on street parking was available outside and near to the property.

The Hearing

14. Both parties attended the hearing.
15. The Tribunal received written representations from the tenant. She also brought additional information to the hearing that related to alleged damage to her personal property and her health due to dampness issues in the property. The Tribunal explained to the tenant that it was not within the scope of the current Tribunal to issue a Repairing Standard Enforcement Order as she had requested in her written representations. The tenant had not appreciated that the Tribunal could only decide on the level of rent to be paid.
16. The Tribunal noted that the Respondent's sought to increase the rent to £688 and had previously advised the tenant that they would continue to accept that lower amount than the proposed rent suggested by the rent officer. This remained their position at the hearing.
17. There was a discussion at the hearing regarding the dampness issues in the property. It was accepted that work had been carried out last year to resolve issues with dampness, but it was not yet clear whether that work had been successful or whether further work would be required. It was noted that other property owners in the tenement had not agreed to additional remedial works to the common parts.

The legislative requirements

18. 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.
19. 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.

20. 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 26th June 2025 - after that provision was repealed on 30th March 2025.
21. 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. The tenant advised the Tribunal that the rent officer had inspected the Property. The Tribunal members noted that one of the comparable properties referred to by the rent officer was in a street in close proximity to the property while the other property was in the same street.
22. 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.

Decision

23. The Tribunal had the following documents before it:-
 - (i) a copy of the Rent Increase notice issued by the landlords on 26th June 2025.
 - (ii) a copy of the rent officer's determination of 17th July 2025
 - (iv) a copy of the tenants' letter of 24th July 2025 objecting to the rent registered by the Rent Officer and applying to the first tier Tribunal
 - (v) a copy of the original tenancy agreement
 - (vi) additional papers from the tenant including photographs of the interior of the property
 - (vii) an exchange of emails between the parties in relation to the washer/dryer

The Tribunal considered these documents and rental evidence and the tenant's written submissions along with the oral submissions by both parties.

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 properties which were available for let in the local area and carefully considered the written submissions received as well as the oral submissions from both parties. The Tribunal members unanimously agreed that there was a distinction between the property and the comparable properties they had identified in the area as these were in better condition and provided larger kitchen facilities. The properties included one in the same street as the property and three in neighbouring streets. All the comparable properties attracted higher rents between £795 pcm to £895 pcm. The property has a lower rent, and the Tribunal agreed that was appropriate given the condition of the property and the small kitchenette.

27. Given all the relevant information the Tribunal decided that a rent of £688 was appropriate as it recognised that the property was not in the same condition as the comparable properties, had a smaller kitchen/kitchenette and reflected that there were still potentially unresolved issues in relation to dampness.

28. This decision takes effect from 1st February 2026, taking into account the provisions of section 29 (2) of the Act.

29. The decision of the Tribunal was unanimous.

F Cook

F Cook
Chairperson
20th January 2026