



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”)

Chamber Ref: FTS/HPC/RN/25/2651

Property: 117 Warrender Park Road, Edinburgh, EH9 1EN

Parties:

Mr Dimo Petroff

(“the Tenant”)

and

Mr Ian Mackie & Ms Stella McLaughlin

(“the Landlord”)

Represented by Gladstones Property Investment Managers

Tribunal members: Fiona Cook (Legal member/chair) and Robert Buchan (Ordinary member/Surveyor)

Background:

1. The Tribunal was in relation to the property at 117 Warrender Park Road, Edinburgh, EH9 1EN. The Landlords are Mr Ian Mackie & Ms Stella McLaughlin. The Tenant is Mr Dimo Petroff. The tenancy is a private residential tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”).
2. On 4th April 2025, the Landlords agents served a notice on the Tenant under Section 22(1) of the 2016 Act indicating that they intended to increase the rent from £1500 per calendar month (pcm) to £1600 pcm as of 14th July 2025.
3. The Tenant timeously objected to that proposed increase by referring the proposed increase to Rent Service Scotland.
4. The provisional order on 14th May 2025 by the rent officer fixed the open market rent at £1550 pcm. The rent officer referred to two comparable properties that had rents of £1500 and £1600 pcm.

5. The Landlords agents appealed the decision of the rent officer and, after review on 2nd June 2025 the rent officer decided that the rent should be set at £1550 pcm and referred to two comparable properties that had rents of £1500 and £1650 pcm.
6. The Tenant appealed that decision to the First-tier tribunal. He reported that he felt the rent should be in the region of £1300 - £1500 pcm as he had noted other properties for let for those rents and which included double glazing, better energy efficiency, lower council tax and were more modern internally. In his application to the Tribunal the Tenant also referred to the interior and exterior condition of the property which he believed would detract from attracting a future tenant.
7. Both parties were invited to make written representations to the Tribunal. 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 30th January 2026 at 10am. The hearing was due to take place on the same day at 11.45am. Both the Tenant and the Landlords' agents were present during both the inspection and the hearing with the Landlords being represented by Ms Lynn Sinclair and Ms Therese O'Donovan from Gladstone Properties.
8. The comparable properties identified by the parties had been intimated to the rent officer prior to their decision of 2nd June 2025.

The Inspection:

9. The Tribunal attended to inspect the Property on the morning of 30th January 2026.

The Hearing:

10. Following the inspection a Hearing was held at the First-tier Tribunal, George Street, Edinburgh.
11. The Tribunal had read and considered the written representations by both parties in advance of the hearing and asked the parties to each identify from their list of comparable properties 3 properties that they identified as being the closest comparable properties both in nature and in location given that so many nearby properties are similar listed buildings and given the number of nearby comparisons available is such that it is not necessary to look further than the immediate vicinity. The hearing adjourned to allow copies of the comparable properties to be shared and to allow the Tribunal to consider the comparable properties. The Tribunal had explained at the inspection that the format that the parties had sent their comparable properties to the Tribunal had meant that the Tribunal members could not access the full information regarding each property prior to the hearing. Both parties helpfully sent emails to the Tribunal following the inspection which allowed the Tribunal to

note additional information about the comparable properties such as their council tax banding, energy efficiency rating and location within the tenement.

Reasons for Decision:

12. 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. The parties agreed that the rent was next due on the 14th February 2026.
13. 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.
14. 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.
15. The property is in a residential suburb of Edinburgh. The property is category B listed, in a conservation area and is a main door flat in a stone built Tenement. There is a small front garden with access to a communal garden at the rear via a back door leading from the kitchen.
16. The property comprises a hall, living room, 2 bedrooms, a kitchen with a small recess off and an internal bathroom. The internal floor area is about 94 sq. metres. There were 2 walk in cupboards accessed from the hall. The accommodation had sash and case single glazed windows throughout.
17. There was no dedicated parking space for the property but on street parking was available outside and near to the property.
18. 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. As has been noted previously, the rent officer was sent comparable properties by both parties prior to making their decision.

19. 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.
20. Both parties referred to 3 comparable properties. The Tribunal asked the parties for clarification as to why these properties were comparable. The Tribunal asked the parties to only refer to comparable properties that had been referred to in their written representations in order that the other party had been given an opportunity to consider and respond to those comparisons.
21. The Tenant referred to a properties at Marchmont Road, Gladstone Terrace and Marchmont Crescent. These had been available for let prior to the date of the proposed rent increase.
22. The Landlords agents referred to properties in Warrender Park Terrace, Grange Terrace and Marchmont Road. Again, these properties had been advertised for rent prior to the date of the proposed rent increase.
23. The Property had been let unfurnished but with white goods supplied. The Tenant noted that his comparable properties were furnished and suggested that his rent should be lower due to it being unfurnished let. The Landlords Representatives countered by advising that there was a buoyant market for those seeking a longer-term rental and who had their own furniture.
24. The Tenant raised issues regarding the boiler being unboxed and therefore on open view within the kitchen and noted the condition of mould within the bathroom, scuffed skirting boards and a frayed carpet in the second bedroom. The Tribunal did not consider any of those issues to significantly impact on the potential to let the property to a hypothetical tenant at the relevant date.
25. The Tribunal also noted that none of the comparable properties was a main door flat. One property (Gladstone Terrace) was a ground floor flat but was accessed via the common close with other comparable properties being on higher floors within traditional tenements.
26. The Property was in Council tax band E and some comparable properties were in band D suggesting they were smaller with another property referred to being in band F, suggesting a larger property.
27. It was noted that some of the comparable properties had ultimately been let for a lower monthly rental in the later part of 2025. The Tribunal required to consider what the rent would be beginning on 14th July 2025 rather than these later dates.
28. Having considered the comparable properties the Tribunal were not of a view that any of the properties identified by either party would result in them taking

a different view to the one taken by the rent officer. It was noted that the rent officer had in their provisional and reviewed decision proposed a rent of £1550. It was noted that the rent officer had been notified of comparable properties by both parties prior to making the decision.

Decision

29. The Tribunal determined that an open market rent for the Property compliant with the provisions of Section 32 of the Act would be £1550 per calendar month, payable with effect from the first payment date falling on or after the date of this decision which will be 14th February 2026.
30. The Tribunal's decision was unanimous.
31. In terms of Section 30 of the 2016 Act, the Tribunal's decision is final and cannot be appealed.

F Cook

F Cook
Chairperson
30th January 2026