



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/25/2834

Property: Flat 65 Castlecourt, 3 Kings Drive, Newton Mearns, Glasgow G77 5JB

Parties:

Mrs Sanam Gull (“the Tenant”)

and

Jayne McEwen, 5 Cresswell Place, Glasgow, G77 5FD (“the Landlord”)

Tribunal members: Fiona Cook (Legal member/chair) and David Godfrey (Ordinary member/Surveyor)

Background:

1. The Tribunal was in relation to the property at Flat 65 Castlecourt, 3 Kings Drive, Newton Mearns, Glasgow G77 5JB. The Landlord was Jayne McEwen, 5 Cresswell Place, Glasgow. The Tenant was Mrs Sanam Gull. The tenancy is a private residential tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The tenancy continued until 11th December 2025.
2. On 8th May 2025, the Landlord served a notice on the Tenant under Section 22(1) of the 2016 Act indicating that she intended to increase the rent from £1050 per calendar month (pcm) to £1250 per calendar month as of 11th August 2025.
3. The Tenant timeously objected to that proposed increase by referring the proposed increase to Rent Service Scotland.
4. On 3rd June 2025 the rent officer fixed the open market rent at £1150 per calendar month. Reference was made by the rent officer to 2 comparable

properties nearby. One of these properties had a monthly rent of £1100 with the other one having a rent of £1250 pcm.

5. The Tenant appealed the decision of the rent officer and, after review on 20th June 2025 the rent officer decided that the rent should be set at £1250 pcm and referred to two comparable properties that had rents of £1200 and £1350 pcm.
6. The Tenant appealed that decision to the First-tier tribunal. She reported that she felt the rent was “increasing too much” and that the Property was in poor condition with an old bathroom and kitchen and that the roof was leaking. Both parties were invited to make written representations to the Tribunal.
7. 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 23rd January 2026 at 10am. The hearing was due to take place on the same day at 11.45am. Both the Tenant and Landlord were present during the inspection as was the Tenant's spouse Mr Khan.
8. In addition to establishing that the Tenant and her family had left the property on 11th December 2025, the Tribunal also noted that the Landlord sold the property on 22nd January 2026.

The Inspection:

9. The Tribunal attended to inspect the Property on the morning of 23rd January 2026. Both parties were present during the inspection.

The Hearing:

10. Following the inspection a Hearing was held at the Glasgow Tribunal Centre, 20 York Street, Glasgow. Both parties attended as did Mr Khan.
11. The parties clarified that they had attended a First-tier tribunal Case Management Discussion in 2025 that considered the Landlord's application to evict the Tenant as the Landlord intended to sell the property. The Tribunal granted the eviction but deferred the date for extracting the eviction order for a period of 2 months to allow the Applicant and her family an opportunity to obtain alternative accommodation. Both parties agreed that the tenancy ended on 11th December 2025 when the Tenant and her family left the Property. The original end date of the tenancy of 6th December 2025 was extended by agreement.
12. Both parties accepted that there had been a problem with the roof of the Property and that there had been water ingress mainly in the living room. That had only recently been repaired. The Tenant had made the Landlord aware of the problem on or around 2024 and the Landlord had in turn notified the Property Factors. Other homeowners in the block had not agreed to works being instructed.

13. The Tenant advised that there were also problems with water ingress into the kitchen and into a cupboard housing the electrical supply, but the Landlord advised she had not been made aware of these issues.
14. The Tenant provided the Tribunal with submissions and sent photographs of the Property. The Tribunal noted that additional information had been sent to the Tribunal by both parties and in advance of the hearing but that both the Tenant and the Landlord had had an opportunity to consider these late submissions and therefore the late submissions would be received and considered by the Tribunal.
15. The Landlord had sent the Tribunal written representations and invoices for work undertaken to the Property prior to the Tenant moving there in 2021. This included the installation of a kitchen. Reference was made to the creation of a third bedroom by dividing the living and dining area by a stud wall and to provide accommodation for the Tenant, her spouse and their 4 children.
16. The Tribunal explained the scope of the Hearing and that they could only decide in relation to the rent and therefore issues pertaining to the return of deposits and rent arrears were not within the scope of the Tribunal's decision making. The Tribunal had similarly not been convened to make decisions about the repairs that might be needed to the property but did seek clarification as to what repairs were needed to the property as of 11th August 2025 in order to establish the condition of the property as of that date.

Reasons for Decision:

17. 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.
18. 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.
19. 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.

22. The property is in a residential suburb of Glasgow, close to local amenities and public transport. The property comprises a purpose-built top floor flat within a detached 3 storey block containing 6 flats.
23. The property comprises a hall, living room, 3 bedrooms, kitchen and bathroom extending to 83 sq. metres internally. The third bedroom was originally the dining room and was entered from the living room. The accommodation had double glazed windows.
24. The property is of traditional brick construction with rough cast exterior and with a tiled roof.
25. There was a door entry system. There was no dedicated parking space for the property but on street parking was available outside and near to the property.
26. 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.
27. 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.
28. Both parties referred to comparative 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.
29. The Tenant referred to a property at flat 43 Kings Gardens, Newton Mearns, Glasgow as being comparable. The Tribunal noted however that the rent of £850 was for December 2021 and the Tenant was unable to clarify what the rent for the property was in August 2025. The Tenant also referred to a property in the same block as the Property at 3 Kings Drive. It was noted that the Property was available for rent on 21st June 2024 for £1050pcm. The Tribunal agreed that this was a useful comparable property.
30. The Landlord and in her submissions had referred to properties that attracted higher rental values than the property and also referred to properties in "less desirable areas". The other properties that she referred to at Scholars Court and Eastwoodhill Grove in Glasgow were both larger properties with 3

dedicated bedrooms, were more modern and had the benefit of a second shower room and this was reflected in the higher rents sought for these properties.

31. The Landlord also referred to properties in Morley Street, Hartstone Road, Ashmore Road and Crofton Avenue all of which had advertised rents at less than £1250 pcm but it was accepted by the Tribunal that these properties were in less sought after locations than the subject property.

Decision

32. The Tribunal determined that an open market rent for the Property compliant with the provisions of Section 32 of the Act would be £1150 per calendar month, payable with effect from the first payment date falling on or after the date of this decision.
33. The Tribunal's decision was unanimous.
34. In terms of Section 30 of the 2016 Act, the Tribunal's decision is final and cannot be appealed.

Fiona Cook

F Cook
Chairperson
23rd January 2026