

Housing and Property Chamber
First-tier Tribunal for Scotland



Private Housing (Tenancies) (Scotland) Act 2016

Notification Of Decision

REFERENCE NO.	OBJECTION RECEIVED
FTS/HPC/RN/25/2943	8 July 2025

ADDRESS OF PREMISES

29/2 Hopetoun Street, Edinburgh, EH7 4NF

TENANT

Ms Laoise Casserly, Mr Raymond Thain

NAME AND ADDRESS OF

LANDLORD

Sarah Dannfald

Per CP Property

AGENT

Mr Chris Duffy and Ms Lin Oxley

CP Property

98-100 High Street, Dalkeith, EH22 3HZ

DESCRIPTION OF PREMISES

It is a two-storey maisonette in an end terraced block with four properties in the block.

Access via the ground floor.

Private gardens.

Parking.

Built 1997.

60m².

EPC – Band C.

Council Tax Band E.

SERVICES PROVIDED

Stair lighting.

Door entrance system.

TRIBUNAL MEMBERS

CHAIRPERSON	Mark Thorley
ORDINARY MEMBER (SURVEYOR)	David Godfrey

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 16,740.00 p.a.	9 January 2026	10 August 2025

BACKGROUND

The tenancy is a regulated tenancy under the Private Housing (Tenancies) (Scotland) Act 2016. The property is a two-storey maisonette in a block of four properties, accessed from the ground floor. The property was built in 1997.

The monthly rent was, from 2023, One Thousand, Two Hundred and Thirty Six Pounds (£1,236). The landlord sought to increase the rent to the sum of One Thousand, Five Hundred Pounds (£1,500). Intimation of this increase was given on 2 May 2025, with a start date of 10 August 2025. The rental increase was not accepted by the tenants, as a result of which, a referral was made to the rent officer for a determination of the open market rent.

On 3 July 2025, the rent officer set the rent at One Thousand, Four Hundred and Thirty Pounds (£1,430), to take effect on 10 August 2025.

An application was thereafter made by the tenants under Section 28(1) of the Private Housing (Tenancies) (Scotland) Act 2016 for a rent determination.

THE INSPECTION

The property was inspected by the Tribunal members on 9 January 2026. The weather was cold, but dry.

Both tenants were in attendance. The landlords did not attend and were not represented.

LOCATION

The location of the property is situated within a residential development in Hopetoun Street. The property was built in 1997 as part of a much bigger development. The area is to the north side of Leith Walk and on the eastern side of Edinburgh.

DESCRIPTION

The property is a ground floor maisonette property with an upper floor. On the ground floor is the kitchen, living room and hall. Up the stairs there are two bedrooms, together with a bathroom.

The property also benefits from access to a private garden area to the rear.

The accommodation extends to approximately 60m² internally.

The property is connected to mains gas, electricity, water and drainage. There is a gas-fired central heating system.

There is permit parking outside of the property.

THE HEARING

At the hearing, both tenants attended and both Mr Duffy and Ms Oxley from the landlords' agency also attended.

The tenants' position was that no increase should have been granted at all in respect of the property. Prior to the hearing, the tenants had helpfully provided updated written submissions. The landlords had provided a schedule of interactions in respect of the property. The documentation set out repairs and expenditure carried out to the property over the period of the tenancy.

REASONS FOR DECISION

The Tribunal considered all the documents provided.

In terms of Section 29 of the Private Housing (Tenancies) (Scotland) Act 2016, the following is set out:-

- (1) Where an appeal is made to the First-tier Tribunal under Section 28(1), the First-tier Tribunal must make an order stating that from the effective date the rent payable under the tenancy is the rent determined by the First-tier Tribunal in accordance with Section 32.
- (2) For the purpose of subsection (1), the effective date is-
 - (a) where the First-tier Tribunal makes its order on or before the original effective date, the original effective date,
 - (b) otherwise, the first payment date falling on or after the day on which the First-tier Tribunal makes its order.
- (3) In an order made under subsection (1), the First-tier Tribunal must record the amount of the rent that is fairly attributable to the provision of services, unless the amount is negligible, or no amount is so attributable.
- (4) In subsection (2) – “original effective date” means the date on which the rent would have been increased in accordance with Section 22(4) had a referral to the rent officer not been made, and
“payment date” means a date on which a rent payment falls to be made in accordance with the terms of the tenancy.

Section 32 – Determination of Open Market Rent

(1) Where an order maker is to determine the rent under Section 25(1) or (as the case may be) 29(1) 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 increased in accordance with Section 22(4) had a referral to the rent officer not been made,
- (c) have the same terms as the tenancy to which the referral or (as the case may be) appeal relates.

(2) In determining the open market rent of the property under subsection (1), the order maker is to disregard-

- (a) any positive effect on the rental value of the property that is attributable to work paid for or carried out by the tenant or a previous tenant under the same tenancy, unless the work was paid for or carried out pursuant to a requirement under the terms of the tenancy,
- (b) any negative effect on the rental value that is attributable to a failure by the tenant or a previous tenant under the same tenancy to comply with the terms of the tenancy.

(3) In a case where two or more persons jointly are the tenant under a tenancy, a reference to the tenant in subsection (2) includes any one of them.

The property is a ground floor and first floor maisonette within a block of four properties, built in 1997. As narrated, there are two bedrooms on the upper floor, with a bathroom and on the ground floor a kitchen and living room, together with access to a garden area.

The rent officer has made reference to two properties, one in Hopetoun Street, with a monthly rent of One Thousand, Four Hundred and Fifty Pounds (£1,450) and one in Mcdonald Place, nearby, at One Thousand, Four Hundred Pounds (£1,400). Both had three rooms, excluding kitchen and bathroom, which would have been the same as the subjects in question.

The tenants had helpfully produced a list of various other properties in or around the area.

In addition, the Tribunal made its own enquiries. In particular, this was of properties in Hopetoun Street. One property had been advertised at One Thousand, Two Hundred and Fifty Pounds (£1,250). There were the subjects themselves, which had been rented at One Thousand, Three Hundred and Ninety Five Pounds (£1,395) and a further property which was offered at the sum of One Thousand, Five Hundred and Ninety Five Pounds (£1,595).

The landlord had not produced any other comparitors.

The tenants had made significant submissions in relation to the state/condition of the property over the course of the previous three years. However, it was noted that, at the time that the rental increase had been intimated, the bulk of works to the property had already been completed. In terms of the interactions that had taken place prior to the

rental assessor's assessment, there were a *de minimis* amount of works to be undertaken, which included supplying and fitting new taps on a bath, undertaking a Legionella risk assessment, supplying and fitting and double-glazed unit and filling a damage hole in the ceiling.

The Tribunal concluded that these works were not of such importance that they would have affected in any way the rent.

Of most interest was that the property in question had, in itself, been offered for rent at One Thousand, Four Hundred and Thirty Pounds (£1,430) but, in order to secure a rental, the landlord had accepted the monthly sum of One Thousand, Three Hundred and Ninety Five Pounds (£1,395).

The Tribunal considered all matters. The Tribunal were of the view that the best evidence in terms of rental value here was that of the property having just been rented at the sum of One Thousand, Three Hundred and Ninety Five Pounds (£1,395). Accordingly, comparitors, to some extent, only provided limited assistance, because the property itself had been rented for a figure. The market had dictated that was what the property was worthy of in terms of rent. The comparable properties identified by the Tenants ranged from £1,100 to £1,690 however many of the properties identified were older and of a tenemental nature and not directly comparable.

DECISION

The Tribunal determined that an open market rent for the property, compliant with the provisions of Section 32 of the Act, would be One Thousand, Three Hundred and Ninety Five Pounds (£1,395) monthly, payable with effect from the first payment date following after the date of this decision.

The Tribunal's decision was unanimous.

Mark Thorley
Chairperson of tribunal

Date 22 January 2026