



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

Property :36 Northfield Avenue, Edinburgh, EH8 7PS

Parties: Ms Azma Razaq (“the Tenant”)

and

Mr Jonathan Blurton & Mr Mark Ivinson (“the Landlord”)

Tribunal members: Fiona Cook (Legal member/chair) and Sara Hesp (Ordinary member/Surveyor)

Background:

1. The Tribunal was in relation to the property at 36 Northfield Avenue, Edinburgh, EH8 7PS. The Landlords are Mr Jonathan Blurton & Mr Mark Ivinson. The Tenant was Ms Azma Razaq. The tenancy is a private residential tenancy under the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”).
2. On 6th June 2025 the Landlords served a notice on the Tenant under Section 22(1) of the 2016 Act indicating that they intended to increase the rent from £1344 per calendar month (pcm) to £1850 per calendar month as of 7th September 2025. The last increase had taken place on 7th September 2024.
3. The Tenant timeously objected to that proposed increase by referring the proposed increase to Rent Service Scotland.
4. On 29th July 2025 the Rent Officer fixed the open market rent at £1850 pcm. Reference was made by the rent officer to 2 comparable properties nearby. One of these properties one had a monthly rent of £1695 with the other one having a rent of £2000 pcm.

5. The Tenant appealed that decision, and the Rent Officer reviewed the decision on 15th August 2025. The decision was that the rent remain at £1850 and reference was made to two further comparable properties that had rents of £1950 and £1750 pcm.
6. The Tenant appealed that decision to the First-tier Tribunal. She reported that the Property had ongoing issues with damp and that she was not able to use one of the bedrooms because of the damp. Both parties were invited to make written representations to the Tribunal.
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 17th February 2026 at 10.00am. The hearing was due to take place on the same day at 11.45am. Only the Tenant was present during the inspection and the hearing.

The Inspection:

7. The Tribunal attended to inspect the Property on the morning of 17th February 2026. The Tenant was present during the inspection.

The Hearing:

8. The hearing took place at George House, George Street, Edinburgh at 11.45am. Only the Tenant attended the hearing. Both parties had however sent the Tribunal written representations, and these were considered by the Tribunal.
9. The Tenant did not provide the Tribunal with any comparable properties but told the Tribunal she was aware that the Rent Officer had referred to 4 comparable properties in their decisions of 29th July and 15th August 2025.
10. The Tenant was asked by the Tribunal about two comparable properties they had identified at Springhill Gardens and Royal Park Terrace in Edinburgh. Both properties had 4 bedrooms and rents of £1900 and £1850 were being sought respectively. The property at Spring Gardens had 3 bathrooms while Royal Park Terrace had one bathroom. It was not clear whether either of those properties had access to a garden but were both in the local area and had the same number of bedrooms.
11. The Tenant accepted that there were comparable properties in the local area and of a similar size with rents of £1850 but felt that due to issues with dampness and mould she could only use 3 of the 4 bedrooms. She believed the condition of the 4th bedroom had been detrimental to her daughter's health and had contact the Environment Health department of the local authority about the conditions in the bedroom. The condition of the bedroom made the property less appealing to prospective renters.

12. It was noted that works had been carried out to the Property recently and to repair the roof and paint the cupboard where the mould was. The Tenant explained that she was asking her landlords to replace the carpet in the bedroom as she felt that it needed replaced due to the previous issues with dampness and mould.
13. The Landlords had sent the Tribunal written representations in advance of the hearing. This included a copy of the Rent Officer's decision of 29th July 2025, photographs of the Property and an aerial shot of the Property from Google maps. The Landlords position was that the rent increase proposed by them was supported by the Rent Officer's decision of 29th July 2025 and they referred to the two comparable properties in the Rent Officers decision.

Reasons for Decision:

14. 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.
15. 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.
16. 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 6th June 2025 - after that provision was repealed on 30th March 2025.
17. The property is in a residential area near central Edinburgh and close to local amenities and public transport. The property comprises a first floor and second floor flat within a 4-apartment block.
18. The property comprises at first floor a hallway, living room, kitchen, shower room and two double bedrooms and at second floor a hallway, two double bedrooms and a bathroom extending to approximately 100 sq. metres internally. The property had central heating and was double glazed. It was not possible to carry out a full measurement of the property during the inspection as one of the 2nd floor bedrooms was occupied at the time of the inspection. It was also noted that the EPC measurements appeared to be inaccurate and may not have included the second floor of the property which

had been created following a renovation to the property prior to the tenancy commencing.

19. The property is of traditional construction with a slate pitched roof. There is a rear garden for the sole use of the Tenant with a shed made of concrete block and with a felt mineral roof.
20. The Property was let unfurnished but with an integrated cooker and hob, dishwasher and washing machine and fridge/freezer. Neither party had carried out any improvements to the Property since the commencement of the tenancy in 2020 (the Tenant had also occupied the Property during an earlier tenancy concluding in 2019) although the Tenant had redecorated the property by painting the interior.
21. There was no dedicated parking space for the property but on street parking was available outside and near to the property.
22. 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.
23. 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.
24. Neither party referred to comparative properties other than those identified by the Rent Officer.
25. While the Tribunal noted the issues raised by the Tenant in relation to one of the first floor bedrooms, they were not persuaded that these issues (which have now been largely resolved) would have had any significant impact on the possible rent that would have been achieved and when considering the test set out in section 32 of the 2016 Act.
26. The Tribunal noted that the room was still set up as a bedroom and appeared to be in use. There was no obvious sign or smell of damp or mould that would deter a hypothetical tenant.
27. The Tribunal were not asked to consider any comparable properties with a significantly lower rent and the comparable properties identified by the Tribunal had rents of £1850 and £1900. Considering these properties and those referred to by the Rent Officers in their decisions the Tribunal agreed that £1850 was the appropriate open market rent for the Property.

Decision

28. The Tribunal determined that an open market rent for the Property compliant with the provisions of Section 32 of the Act would be £1850 per calendar month, payable with effect from the first payment date falling on or after the date of this decision.
29. The Tribunal's decision was unanimous.
30. In terms of Section 30 of the 2016 Act, the Tribunal's decision is final and cannot be appealed.

F Cook

Chairperson
17th February 2026