

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Decision in respect of a referral to the First-tier Tribunal for Scotland Housing and Property Chamber for a Determination of Rent under Section 28(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/RN/25/3542**

**Property: 109 Newcraighall Road, Musselburgh EH21 8QU (“the Property”)**

**Parties:**

**Mr Sholto Laumeier, 109 Newcraighall Road, Musselburgh EH21 8QU (“the Tenant”)**

**and**

**Russell Hanson Limited, having their registered office at 106 Newcraighall Road, Musselburgh EH21 8QT (“the Landlords”)**

**Tribunal members: George Clark (Legal Member/Chair) and Robert Buchan (Ordinary Member/Surveyor)**

### **Background**

1. The lease in the present case is a Private Residential Tenancy with a current rent of £852.84 per month. On 9 May 2025, the Landlords gave notice to the Tenant of their proposal to increase the rent to £1,150 per month from 15 August 2024. The Tenant referred the rent for determination by Rent Service Scotland, and a Rent Officer determined the open market rent to be £1,200 per month. The Tenant appealed the decision and Rent Service Scotland confirmed its determination of £1,200 per month on 28 July 2025, effective from 15 August 2025.

2. On 14 August 2025, the Tenant appealed the Rent Service Scotland decision to the Tribunal under Section 28(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act/the Act”). He did not provide any comparable rental evidence from the area but raised various issues regarding the condition of the Property.

### **The Inspection**

3. The Tribunal inspected the Property on the morning of 15 May 2025. The Tenant was present at the inspection and was supported by Ms Veselina Ganeva. The Landlords were represented by Mr Ib Hansen.

### **The Hearing**

4. Following the Inspection, a Hearing was held at George House, 126 George Street, Edinburgh. The Tenant was present with his supporter, Ms Geneva. The Landlords were represented by Mr Ib Hansen. The Tribunal Chair told the Parties that its function was to assess the rental for the Property as the Members found it at the Inspection. There appeared to be a number of other issues between the Parties, including repairs matters, but the tribunal could not deal with these as part of the present application.
5. The Tenant stated that the rent should reflect the fact that he is not allowed access to the attic space for storage. Mr Hansen replied that it is unfloored so would not be safe to use.
6. Mr Laumeier contended that the comparables used by the Rent Officer were not appropriate as they were more modern properties in a more desirable location. The present Property is on a very busy main road, with no car parking nearby.

### **Reasons for Decision**

7. 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.

8. 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.
9. The property is a single storey detached cottage. It is thought to have been built in the 1930s and is of solid brick construction under a pitched and slated roof. The exterior is rendered and there are upvc framed double glazed windows. The interior is plastered and floors are of suspended timber. Accommodation comprises two bedrooms, living-room, kitchen and bathroom. There is gas fired central heating.
10. The Property is situated on a busy main road on which parking is impracticable. It is located close to the A1 trunk road and Edinburgh City Bypass and to Newcraighall Station, with regular trains to and from Edinburgh. The large Fort Kinnaird shopping complex is also nearby.
11. The Tenant had provided a lengthy list of concerns he had regarding the condition of the Property, including dampness, mould and cracking in wall surfaces. Inspection of the interior was limited significantly by extensive stored items, but, generally, the condition of the Property as a whole appeared in keeping with its age and type of construction. Elements of the Property are ageing and are likely to require attention but generally in respect of maintenance rather than significant repair. No dampness was noted. Such condensation mould as was noted was not considered significant and given the sheer extent of stored items is more likely to be due to occupation rather than any shortcoming in the Property. Based on the single inspection, the cracking was considered to be longstanding in nature and unlikely to be progressive. The Tenant had

complained that the front and rear doors were not draught proof and this was apparent.

12. Although lacking a separate thermostat, the central heating does have a timer, and the radiators have thermostatic valves, so the system is considered to be in a reasonable state of repair and in proper working order.
13. Evidence had been provided by the Tenant of a failure in the double glazing of the kitchen window, and it was noted that there is a hairline crack in the toilet and a basin tap is in need of repair or replacement. Externally, there is enclosed garden ground at the front and rear. There is no off-street parking. The garden has been neglected. It was noted that the Energy Performance Certificate for the Property shows that the loft insulation is only 100mm thick, substantially less than the recommended thickness of 270mm and the practical thickness of 300mm to 400mm normally installed.
14. There is no public register of rentals in Scotland and valuation is largely by evidence of advertised rentals in the district and by way 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 in detail.
15. The Tribunal considered carefully all the evidence before it. Neither Party had provided a list of comparables. The Tribunal noted that the latest Citylets Report (Q4 2025) indicated an average rent for the EH21 postcode of £1,250. The comparable properties used by the two Rent Officers involved in the previous decisions had all been semi-detached houses and were more modern, and, whilst the view of the Tribunal was that the rent figures for those properties, ranging from £1,110 to £1,250, were not significantly out of line with the rent that might reasonably be expected for the present Property in fully modernised condition, with the lower figure of £1,100 per month being a fair starting point, account had to be taken of the fact that it would require some upgrading to meet the repairing standard and, therefore, to be lettable in the current market.

16. The Tribunal is of the view that some repair or replacement of the windows, doors and bathroom fittings is required to ensure that the Property meets the repairing standard and that other general repairs and maintenance including upgrading the insulation would normally be undertaken to render the Property lettable. This should be taken into account in assessing the open market rental value of the Property.
17. Assuming a cost of £5,000 to replace two windows and to repair or replace the doors discounted over 15 years, a cost of £2,000 to replace the bathroom fittings, discounted over 10 years, and general maintenance and other improvements of £5,000 discounted over 10 years would give a simple amortised cost of £1,030 per annum. (£86 per month).
18. The only comparable rents were provided by the Rent Officer. Having regard to these the Tribunal felt that insufficient weight had been given to the age and condition of the Property compared to those comparables, and the lack of car parking, which, on this road, was considered to be significant.

## **Decision**

19. Having considered all the evidence before it, the Tribunal determined that an open market rent for the Property compliant with the provisions of Section 32 of the Act would be £950 per calendar month.
20. The Tribunal's Decision was unanimous.
21. In terms of Section 30 of the 2016 Act, the Tribunal's Decision is final and cannot be appealed.

**George Clark**

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(Legal Member/Chair)

Date: 12 March 2026