

Housing and Property Chamber  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 28 (1) of the Housing (Scotland) Act 2006 (“The Act”)**

**Chamber Ref: FTS/HPC/RN/25/4114**

**Re: Property at 39/3 Restalrig Road, Edinburgh, EH6 8BD**

**Parties**

**Ms Wendy Burns, 39/3 Restalrig Road, Edinburgh, EH6 8BD (“the Tenant”)**

**Mr Dominic Tatum, 1 Easter Currie Crescent, Currie, EH14 5LH (“the Landlord”)**

**Tribunal Members:**

**Mr A. McLaughlin (Legal Member) and Ms S. Hesp (Ordinary Member)**

**Background**

[1] This is an appeal under Section 28 (1) of the Act against the rent set by the rent officer for the Property. The Landlord served a rent increase notice dated 24 July 2025, indicating that, with effect from 1 November 2025, the contractual rent would increase from £798.00 per month to £1,000.00.

[2] The Tenant applied to the rent officer who ultimately, by decision dated 24 September 2025, assessed that the rent should be set at £1,100.00 per month with effect from 1 November 2025. The Tenant’s appeal therefore resulted in their rent being increased.

[3] The Tenant thereafter appealed to this Tribunal under Section 28 (1) of the Act by appeal in Form H and which was submitted by email on 25 September 2025. Both parties

have also submitted further representations setting out their respective positions about what the rent should be.

[4] The Tribunal intimated to all parties that they would inspect the property at 10 am on 5 March 2026 and thereafter convene a hearing at George House, George Street, Edinburgh at 12.30 pm on the same date. Both parties were present together with the members of the Tribunal at both the inspection and the Hearing.

### **The Inspection and Hearing**

[5] The Tribunal inspected each room in the Property and the outside communal areas.

[6] The parties then duly convened at the appointed time for the Hearing. Neither party had any preliminary matters to raise and both were content that the Tribunal commence hearing evidence and submissions. The Tribunal heard from the parties about what they thought the appropriate rent should be and why. Both parties had helpfully set out articulate and helpful written submissions in advance setting out their respective positions. The parties also helpfully spoke to those submissions and answered questions posed to them by the Tribunal. Each party had identified certain properties which they had found marketed for rent online and which they thought were comparable.

### **Landlord's submissions**

[7] The Landlord specifically drew the Tribunal's attention to a two-bedroom property for rent at 23 Restalrig Road, which was let in January 2026 for the sum of £1,250.00 per month and also 57 Restalrig Road let in February 2026 for £1,220.00. The Tribunal discussed these Properties in detail with the Applicant and suggested to him that the heating system in the Property in question was outdated and that the Energy performance of the Property was far poorer than those comparables. The Property relied on the use of electric heaters which were expensive to run. The kitchen in the Property was also old fashioned and in need of upgrading. The Landlord stated that 57 Restalrig Road was also heated only by electric heaters. The Tribunal did however note that gas central heating radiators were clearly visible from the online marketing materials for the property.

### **Tenant's submissions**

[8] The Tenant spoke to how expensive it was to heat the Property and that the kitchen was not of a reasonable standard. She had to use two kettles to wash the dishes. She described the Property as having many issues. The Tenant had also submitted a document from an estate agent which seemed to suggest that the rent should be around £1,000.00. However, it became apparent that a friend of the tenant had completed this for her on request and so the Tribunal was reluctant to attach weight to it.

## **Tribunal's comparables**

[9] The Tribunal itself, using its specialist own surveying knowledge, had noted certain comparable properties which might lead to an accurate assessment of the true market rent. These were as follows.

*(a) Property where a letting was agreed on 28 January 2026:*

*23 Restalrig Road Edinburgh EH6 8BB*

*2nd floor flat; 2 bedrooms, living room, kitchen and bathroom; furnished; gas central heating; EPC C; on street parking. Rent - £1,250.00 pcm*

*(b) Property to let February 2026:*

*Restalrig Road: 2 bedrooms (1 double and 1 single), living room, kitchen and bathroom; gas central heating; double glazing; £1,400.00 pcm.*

*(c) Ashville Terrace:*

*Ground floor flat; 2 bedrooms (1 double and 1 single); 1 reception room; bathroom; kitchen; gas central heating; double glazing; 495 sq ft; £1,250.00 pcm*

(d) The Tribunal also considered the Citylets Quarterly report 2025 Q4.

[10] Having considered the submissions from both parties and the Tribunal's own knowledge, the Tribunal made the following findings in fact.

## **Findings in fact**

- 1. The Tenant rents the Property known as 39/3 Restalrig Road, Edinburgh, EH6 8BD from the Landlord by virtue of a Private Residential Tenancy which commenced in April 2019.*
- 2. The Property is a first floor flat in a 4-storey sandstone tenement of traditional construction with on street parking and a rear communal drying ground situated to the south of Edinburgh City Centre. The accommodation comprises a living room, 2 bedrooms (one with walk in storage area), kitchen and bathroom and the area is 60 sq metres or thereabouts. It also benefits from double glazing to the windows and electric heaters.*
- 3. The Landlord served a rent increase notice dated 24 July 2025 indicating that, with effect from 1 November 2025, the contractual rent would increase from £798.00 per month to £1,000.00.*
- 4. The Tenant applied to the rent officer who ultimately, by decision dated 24 September 2025,*

*assessed that the rent should actually be set at £1,100.00 per month with effect from 1 November 2025. The Tenant's appeal therefore actually resulted in their rent being increased.*

- 5. The Tenant thereafter appealed to this Tribunal under Section 28 (1) of the Act by appeal form in Form H submitted by email on 25 September 2025.*
- 6. The Property does not have gas heating and is heated by means of electric heaters. These heaters are expensive to run and inefficient.*
- 7. The kitchen in the Property is outdated, small and in need of modernisation.*
- 8. But for these issues, the market rent for the Property may be in the region of £1,200-£1250 a month.*
- 9. A fair current market rent for the Property is £1,000.00 per month.*

## **Decision**

[11] Having made the above findings in fact, the Tribunal determined that, as per Section 29 of the Act, that the rent for the Property is £1,000,00 per month effective from 1 November 2025.

**The decision of the Tribunal is unanimous**

## **Right of Appeal**

**In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.**

A McLaughlin \_\_\_\_\_  
Legal Member/Chair

7 May 2026.  
Date