



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 48 of the Rent (Scotland) Act  
1984 (“the 1984 Act2)**

**Chamber Ref: FTS/HPC/RR/25/2228**

**Property at 22 Iona Crescent, Old Kilpatrick, G60 5NU (“the Property”)**

**Parties:**

**Dalmuir Park Housing Association Ltd, Beardmore House, 631 Dumbarton  
Road, Clydebank, (“the Landlord”)**

**Ms Lorraine Gherardi, 22 Iona Crescent, Old Kilpatrick, G60 5NU (“the  
Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member) and Sara Hesp (Ordinary Member)**

**Background**

1. This is a reference to the Tribunal in terms of Section 48 and Schedule 5 of the Rent (Scotland) Act 1984.
2. On 8 April 2025, the Landlord applied for a fair rent of £6835.56 per annum to be registered for the property. On 8 May 2025, the Rent Officer determined that the fair rent for the property should be £5968. The Landlord objected to the registered rent and the application was referred to the Tribunal for a determination.
3. An Inspection and Hearing were scheduled for 24 November 2025 at 10am and 11.30am. The parties were notified and advised that access would be required for the inspection. On 18 November 2025, the Tribunal issued a letter to the Landlord requesting a copy of the tenancy agreement and the Rent Officer’s decision. On 20 November 2025, the Landlord submitted a copy of the decision letter from the Rent Officer dated 8 May 2025. They also submitted three tenancy agreements – an Assured Tenancy dated 18 August 1992, a Secure Tenancy dated 18 November 1996, and a Scottish Secure Tenancy dated 15 September 2002. On 20 November 2025, the Tribunal issued information to the parties about comparable properties in the area and a similar property taken

from the Fair Rent Register.

4. The Tribunal Members attended at the property on 24 November 2025 at 10am. The Landlord was not represented, and the Tribunal were unable to get access to the property. Neither party attended the Hearing. The Tribunal decided to schedule a further inspection and hearing and also issued a direction to the Landlord. The Landlord was directed to provide an explanation for the application as the tenancy agreements they had provided suggested that the tenancy was not a regulated tenancy under the 1984 Act. The Landlord was also directed to confirm the date that the property had been constructed. In response, the Landlord advised the Tribunal that the Tenant had been a tenant of the Landlord since 29 December 1988 and moved to the property when her previous property required refurbishment. Evidence in support of this submission was provided. They also confirmed that the property was completed in August 1992.
5. The Parties were notified that an Inspection and Hearing would take place on 28 April 2026. They were advised that the inspection would take place at 10am and that access was required. The hearing was scheduled for 12 noon and would be by telephone conference call. The Tribunal attended at the property at 10am. The Landlord was not represented and access was not provided. Neither party participated in the teleconference Hearing.
6. The Tribunal noted that the property is an end terraced two storey house within an area of similar properties as well as flats and semi-detached houses. It was completed in 1992. It is of cavity brick and block construction with a pitched tiled roof. It is understood that the accommodation comprises a living room, kitchen, bathroom, double bedroom and two single bedrooms and extends to 85 square metres. As the Tribunal did not get access to the property, this information could not be verified. In their application to the Rent Officer, the Landlord states that since the last fair rent was registered for the property, a new bathroom and a new gas boiler have been installed.

## **Decision**

7. The Tribunal were provided with the following documents: -
  - (a) Form RR1 dated 7 April 2025.
  - (b) The Rent Officer's determination dated 8 May 2025.
  - (c) Email from the Landlord objecting to the Rent Officer's determination.
  - (d) The Landlord's model for assessing rents.
  - (e) Extracts from the Fair Rent Register for neighbouring properties.
8. The Tribunal twice scheduled inspections of the property but was not given access by the Tenant. On both occasions there was no answer at the door, and

the Tenant appeared to be absent. In terms of Rule 73 of the Procedure Rules 2017, “The First-tier Tribunal may on its own motion and must at the request of one of the parties...inspect the dwellinghouse which is the subject of the regulated tenancy reference.” The Tribunal notes that neither party requested an inspection, so it is not a mandatory requirement. Although the Tribunal would have preferred to inspect the property, they are satisfied that (having carried out a visual inspection of the exterior of the property) it is possible to make a fair and just decision on the reference without inspecting the interior of the house.

- 9.** Tribunal considered the application and documents. Neither party participated in the hearings which had been scheduled and no evidence was heard. The Tenant did not facilitate access or lodge any submissions. Her position in relation to the Landlord’s application is not known.
- 10.** The Tribunal was mindful of the terms of Section 48(1) of the Rent (Scotland) Act 1984 which requires the Tribunal to have regard to all of the circumstances (other than personal circumstances) and in particular to apply their knowledge and experience of current rents of comparable properties in the area as well as having regard to the age, character and locality of the dwelling house in question and to the state of repair and if any furniture is provided for use under the tenancy, the quantity, quality and condition of the furniture. The Tribunal are also required to consider, in terms of section 48(2) of the 1984 Act that “the number of persons seeking to become the tenant of similar dwellinghouses in the locality under terms (other than those related to rent) of the regulated tenancy is not substantially greater than the number of dwellinghouses in the locality which are available for letting on such terms”. This is often referred to as “scarcity”.
- 11.** The Tribunal noted that there are three accepted methods in Scotland for determining rent; -
  - (a) Determining a rent by having regard to registered rents of comparable houses in the area.
  - (b) Determining a rent by comparing market rents within the area and then discounting for any scarcity element and making any appropriate disregards as required by Section 48(3) of the 1984 Act.
  - (c) Calculating the appropriate return based on the capital value of the property taking account of any element of scarcity.
- 12.** None of these methods is regarded as being the primary method and the method to be chosen by the Tribunal will depend on the available evidence and the facts and circumstances of each case. The Tribunal had regard to the observations of the Lord President in the case of *Western Heritable Investment Co Ltd v Hunter* and also *Wright v Elderspark Housing Association Ltd 2017* which require the Tribunal to proceed on the best available evidence and use other evidence as a cross check, where possible.

13. The Tribunal was not provided with any evidence of the capital value of the property. The Tribunal also noted that the capital valuation method has been described as notoriously unreliable “normally to be used only as a last resort” (Western Heritable Investment Co Ltd v Husband 1983 SC (HL) 60, 73). Given the evidence of comparable fair rents and market rents and the absence of evidence of the capital value the Tribunal determined that it was appropriate to assess the fair rent of the property without using the capital valuation method.
14. The Tribunal noted the following comparable properties being advertised for rent or previously advertised for rent; -
- (a) Gladstone Street, Dalmuir. Two bedroom semi detached property with garden and off street parking - £995pcm.
  - (b) Bell Street, Clydebank. Two bedroom semi detached property with gas central heating, double glazing, newly decorated - £850 pcm.
  - (c) Gilmour Avenue, Clydebank. Three bedroom semi detached property with gas central heating, double glazing, refurbished and with a garden - £850 pcm.
  - (d) Annandale Terrace, Old Kilpatrick. Three bedroom end terraced house with double glazing, gas central heating - £1495pcm.
15. The Tribunal noted the following from the Fair Rent Register; -
- (a) 4 Iona Crescent, a three bedroom semi detached house - £6835.56 registered on 8 May 2025
  - (b) 6 Iona Crescent, a three bedroom semi detached house - £6585.26 registered on 2 May 2025.
  - (c) 10 Iona Crescent, a three bedroom semi detached house - £6835.56 registered following a referral to the Tribunal with effect from 8 May 2025.
  - (d) 26 Iona Crescent, three bedroom semi detached house - £6585 registered following a referral to the Tribunal with effect from 22 October 2025.
16. The Tribunal noted that the properties identified for the purpose of comparing market rents within the area are very different in terms of age, character and location to the property which is the subject of the application. Accordingly, a considerable amount of adjustment would be required to arrive at a fair rent.
17. On the other hand, the properties on the Fair Rent Register, as well as being in the same street, are otherwise very similar in terms of age, size, character and condition. The Tribunal therefore concluded that the rents for those properties are the most relevant for the purposes of determining the fair rent for the property. Two of the properties are currently registered at £6835.56. The other two are registered at £6585.26. The reason for the small difference is not clear.

All four are semi detached and of a similar size. The Landlord chose not to participate in the Hearing, so the Tribunal was unable to ask them for an explanation. Based on the documents lodged, it appears that the Landlord does not consider that an end terraced property should yield a lower rent than a semi detached property. As the Tribunal was not able to inspect the interior of the property, and the information provided by the Landlord was not challenged by the Tenant, the Tribunal accepts that the property has had a new boiler and bathroom. However, there appears to be no justification for a rent of £6835.56, when two semi detached properties are registered at £6585.26. Having regard to the available evidence, the Tribunal determines that the fair rent for the property should be £6585.26 and this should take effect from 1 June 2026 in terms of Section 50(4) of the 1984 Act.

### **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.**

Josephine Bonnar, Legal Member:

**Josephine Bonnar, Legal Member**

**1 June 2026**