



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 28 Private Housing Tenancies
(Scotland) Act 2016 (“the 2016 Act”)**

Chamber Ref: FTS/HPC/RR/25/5521

Property at Flat J, 7 Crichton Street, Dundee, DD1 3AP (“the Property”)

Parties:

**Harland Property Investments Ltd, Premier Property Management, 12 Langlands
Street, Dundee, DD4 6SZ (“the Applicant”)**

**Mr Orion Reed-Parkinson, Flat J, 7 Crichton Street, Dundee, DD1 3AP (“the
Respondent”)**

Tribunal Members:

Josephine Bonnar (Legal Member) and Robert Buchan (Ordinary Member)

Decision

**The Tribunal determines that the rent payable by the Respondent in respect of
the property is £750 per calendar month and that this rent shall take effect from
16 September 2026.**

The decision is unanimous

Background

1. The Applicant is the owner and landlord of the property. The Respondent is the tenant of the property in terms of a private residential tenancy which started on 16 September 2019. The Applicant submitted an application to the Tribunal in terms of Section 48 of the 2016 Act to appeal against the rent set by the Rent Officer.. On 23 December 2025, the rent officer set the rent for the property at £700 per calendar month.
2. On 2 July 2026, the parties were notified that the Tribunal would inspect the property on 10 August 2026 at 10am and that a hearing would take place at

Endeavour House, Dundee on the same date at 12.30pm. This was converted to a teleconference hearing on 13 August 2026, because the venue became unavailable. On 17 July 2026, the Respondent notified the Tribunal that he would provide access for the inspection but did not intend to attend the hearing. He also stated that he was not objecting to the rent requested by the Applicant as this seemed reasonable based on the evidence lodged by the Applicant.

3. The Tribunal inspected the property on 10 August 2026 at 11am. The Respondent was present and provided access. The Applicant was represented by Ms Buist. The hearing took place by telephone conference call on 13 August at 10am. Only Ms Buist participated.

The Inspection

4. The property is a third floor flat in a four storey and attic tenement with three shops on the ground floor. It is located in Dundee city centre in a designated conservation area and is listed category B. It is thought that the block dates from the late 18th century and is built of traditional stone and slate construction. The accommodation comprises hall, living room, bedroom, kitchen and bathroom. Windows are timber framed and double-glazed. Heating is by electric night storage and panel heaters. There is access to a bin storage area at the rear of the ground floor. The gross internal floor area is approximately 57 square metres. The flat is let unfurnished and is in good condition.

The Hearing

5. The Legal Member noted that the Applicant had provided current rents for eight of the ten properties in the block as part of their submission to the Tribunal. Ms Buist advised that the ninth property, Flat B, was let in January 2025 at a rent of £750 pcm. She also confirmed that Flat C which is let at £795 pcm is slightly bigger than the others. The Ordinary Member thanked Ms Buist for her comprehensive submissions and bundles of documents. In response to questions about the Rent Officer's decision, and the reason for it, Ms Buist said that although there were discussions with the Rent Officer about arranging an inspection and other matters, they did not provide reasons for assessing the rent at £700 rather than £750, when all of the properties in the block are let at either £750 or £795. The Tribunal confirmed that they did not require any further information from the Applicant as the submissions addressed all relevant issues.

Findings in Fact

6. The Applicant is the owner and landlord of the property. The Respondent is the tenant of the property in terms of a private residential tenancy agreement which started on 16 September 2019.
7. The initial rent payable in terms of the tenancy agreement was £525 pcm. This later increased to £600 pcm.

8. The property is a third floor flat in a four storey and attic tenement in Dundee city centre. It was refurbished in 2019 and is in good condition.
9. The accommodation comprises hall, living room, bedroom, kitchen and bathroom. Windows are timber framed and double glazed. The heating is by electric storage and panel heaters. The gross internal floor area is 57 square metres.
10. The Applicant served a rent increase notice on 8 October 2025 indicating that they proposed to increase the rent from £600 to £750 pcm.
11. The Respondent referred the rent increase notice to the Rent Officer who set the rent at £700.
12. The Applicant owns all ten of the properties in the block. The other nine are all currently occupied by tenants and let at either £750 or £795 per month.

Reasons for the Decision

13. Section 32 of the 2016 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 the 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.
14. Section 29 of the 2016 Act provides that, where an appeal is made to the Tribunal under section 28(1) of the 2016 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. Under 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. There are two relevant methods of assessing the open market rent in Scotland. The first is determining the open market rent by reference to market rents of comparable properties. The second is to do so by reference to the anticipated annual return based on the capital value of the property. Neither is the primary method. The appropriate method depends on the facts and circumstances of each case. The Tribunal had regard to the observations of the Lord President in *Western Heritable Investment Co Ltd v Hunter* (2004) and the case of *Wright v Elderpark Housing Association Ltd* (2017) which establish that the Tribunal must proceed on the best available evidence and use other evidence as a cross check, where possible.
16. There is no public register of market rents in Scotland and valuation is largely by evidence of advertised rentals in the area and the application of the knowledge and experience of the Tribunal Members. The Rent Officer provided very limited information about the comparisons used in their assessment with

no specific address, style, floor area or rationale as to how they arrived at the valuation. Accordingly, the Tribunal is not able to analyse the rent officer's assessment.

17. The assessment by the Tribunal is necessarily based on taking the evidence which is available and adjusting it for differences in style, accommodation, floor area and any other relevant factors such as location, condition, garden, garage, amenity etc.

18. The Applicant provided the following with the application or prior to the inspection and hearing; -

(a) The tenancy agreement.

(b) The rent increase notice dated 8 October 2025 which proposed an increase from £600 pcm to £750 pcm to take effect from 11 January 2026.

(c) The letter from the Rent Officer dated 23 December 2025 which sets the rent at £700 pcm. The annex to the letter refers to two comparable properties. One is in King Street, Dundee with a rent of £680 pcm and the other is in South Victoria Dock Road with a rent of £725 pcm. The addresses were not provided.

(d) An email from the Rent Officer to the Applicant dated 1 December 2025 which states that the tenant had again cancelled the inspection, that it was not possible to re-arrange and a decision would therefore be made without an inspection. The Rent Officer asked for information about the property.

(e) An email from the Applicant to the Rent Officer dated 1 December 2025. The Applicant noted that the inspection could not be re-arranged and provided information about the property and others in the same block. The Applicant owns all ten of the properties in the block and stated that Flats A, D, E, F and K were all let at £750 pcm at some point between March and November 2025. Flat K was let in May 2024 at £795 pcm.

(f) Submissions to the Tribunal containing similar information to the previous email as well as information about other comparable rents/properties in the area and full details of the property which is the subject of the appeal and its tenancy history.

(g) A submission from the Applicant on 7 August 2026 with a copy of an FTT decision in relation to Flat G in the same block dated 29 July 2026. The FTT determined that the rent should be £750 pcm for that property.

(h) An email from the Respondent which states that he no longer objects to the increased rent as he accepts the evidence produced by the Applicant.

19. The Tribunal had some difficulty understanding the Rent Officer's assessment of the rent as the Applicant had provided very similar information and evidence as is currently before the Tribunal. It is evident that that the best evidence is of recent lets of comparable properties in the same location. In other words, the

other flats in the block. Where such evidence exists it is preferable to use this rather than determining the open market rent by reference to the anticipated annual return based on the capital value of the property. In any event, the Tribunal was not provided with this information.

- 20.** The Applicant owns all ten one bedroomed flats within the same block. They were re-furnished in 2019 and are directly comparable in terms of size, layout and condition. Seven of the flats have been let in the last year to eighteen months at a rent of £750 pcm. The eighth, which is slightly larger, is let at £795 pcm. Flat G was the subject of an appeal to the Tribunal, and a determination was made that the rent should be £750 pcm. This decision is not binding but this Tribunal agrees with the reasoning behind that decision. On the other hand, the Tribunal noted that the Rent Officer made a decision without the benefit of an inspection and chose to compare the property with two other one-bedroom flats in Dundee, with no explanation why these were deemed more relevant than the other flats in the same block as the property.

Decision

- 21.** Having inspected the property and considered all the information and evidence the Tribunal is satisfied that the rent for the property should be £750 pcm.
- 22.** In accordance with Section 29 of the 2016 Act, the effective date of the new rent is the 16 September 2026, being the first payment date falling on or after the date of this decision. However, in terms of Section 31, the Respondent is liable to pay to the Applicant the difference between the amount actually paid and the sum which would have been payable between the originally proposed effective date, namely 11 January 2026 and 16 September 2026.
- 23.** In terms of Section 30 of the 2016 Act, this decision is final and cannot be appealed.

J Bonnar