Housing and Property Chamber
First-tier Tribunal for Scotland

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under The Rent (Scotland) Act 1984 ("The Act")

Chamber Ref: FTS/HPC/RR/26/1400

Re: Property at 46 Thornwood Avenue, Glasgow, G11 7PQ ("the Property")

Parties:

Mr Masoud Heyder-Tamini, Flat 11c, 10 Broomhill Lane, Glasgow, G11 7NR ("the Landlord")

Mr Alan Dempster, 46 Thornwood Avenue, Glasgow, G11 7PQ ("the Tenant")

Tribunal Members:

Andrew McLaughlin (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 14 January 2026, The Rent Officer received an Application by Landlord for a fair rent of £ £9,000.00 per annum to be registered for the Property. On 27 March 2026, the Rent Officer determined that the fair rent for the Property should be £5,100.00 per annum. 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 21 September 2026 at 10 am and 11.30am in Glasgow Tribunals Centre respectively. The parties were notified and advised that access would be required for the inspection.

The Inspection and Hearing

[4] The Tribunal Members attended at the Property at the stated time and were granted access by the Tenant. The Landlord was also present at the Inspection. The Tribunal conducted an inspection of the Property. The Tribunal thereafter adjourned to conduct the Hearing at the appointed time.

[5] The parties were both present at the Hearing. The Tribunal invited the Landlord to explain what he thought the fair rent should be and why. The Landlord was invited to provide details of any comparable Properties he thought might be relevant. The Tenant was also invited to make submissions. The Tenant's position was that the sum calculated by the Rent Officer was reasonable.

[6] The Landlord however could provide no information about comparable properties and it seemed that he was unfamiliar with the nature of the protected tenancy. All the Applicant could provide was anecdotal evidence at best about what he thought the market rate might be for similar properties in the area. The Applicant also was minded to explain his current financial circumstances which was not relevant to the specific matter before the Tribunal today.

[7] The Property is a ground floor flat in poor condition. The Property comprises a bedroom which is also used as a sitting room, a small vestibule, a small bathroom and a small kitchen. The Tribunal compared the Property with other comparable properties on the register of fair rents which the Tribunal, using its own specialist skills and experience, identified as relevant to the Property.

Address	Area (EPC) (sq m)	No of rooms	Central heating?	Rent	Comments
Flat 0/1, 46 Thornwood Avenue G11 7PQ (Subject)	42	1 Kitchen; bathroom	No	£5100 pa wef 3/3/26	Under appeal
Flat 0/1 22 Elie St	62	2	Yes	£5520 pa	Rent service determination

G11 5JD		Kitchen; shower room		wef 22/6/26	– regulated rent
Flat 0/1, 10 Kildonan Drive, G11 7XA	39	2 Kitchen; bathroom	No – electric heaters	£6000 pa wef 5/6/26	Rent service determination regulated rent
Flat 3/1, 19 Vine Street, G11 6BB	50	2 Kitchenette; Bathroom	Yes	£5640 pa wef 5/2/25	Tribunal decision – regulated rent

[8] These Properties were good, recent, comparables; they are in the same locality as the subject property. However, the Property in question is not in good condition and is largely unmodernised. It requires a full refurbishment throughout. There is no running hot water in the kitchen and the facilities for showering or bathing are inadequate. The Tribunal was in no doubt that a fair rent for the Property would be at the lower end of the range of comparable evidence of similar properties in the locality. The Tribunal also considered the most recent Citylets report and noted that a similar sized property in Muir Park Place was being advertised to let for the sum of £9,540.00 per month. The Tribunal therefore also considered the current market rate for similar properties.

[9] 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*".

[10] Neither party provided any evidence on the question of scarcity.

[11] The Tribunal determined that there is a strong demand for private rented accommodation in Glasgow. The statistics confirm that the number of people seeking to become tenants of such properties in Glasgow is higher than the number of houses available and that the demand is substantially higher than the supply and having regard to all the circumstances, consider that it is difficult to calculate an amount for scarcity and prefer to consider other fair market rents as comparables.

[12] 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. 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 Elderpark 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.

Decision

[14] Having considered the above and having considered the matter anew, the Tribunal considered that the fair market rent should be £5,100.00 per annum as previously determined by the Rent Officer. The comparables identified by the Tribunal point clearly to this being a fair reflection of fair rents for similar sized properties in the area. The Tribunal also considers that this Property would be at the lowest end of that scale given

its poor and unmodernised condition. The Tribunal therefore concluded that £5,100.00 per annum should be the fair market rent.

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

__ **26 October 2026**

Legal Member/Chair **Date**