

Housing and Property Chamber
First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Hereinafter referred to as “the Tribunal” Under Section 28 of the Private Housing (Tenancies) (Scotland) Act 2016

Case Reference Number FTS/HPC/RN/25/4791

Re:

2/1, 10 Govanhill Street, Glasgow, G42 7JZ (“the property”)

Miss Victoria Rankin, (Applicant and Tenant)

Andrew McKay, (Respondent and Landlord)

Tribunal Members Iain MacRae (Legal Member) and David Wooley (Ordinary (Surveyor) Member)

Representation

Applicant: Self

Respondent: Przenek Weclawski & Stuart Girdwood (Guardian Lettings)

Decision

1. The Tribunal determines that the rent to be payable by the applicant in respect of the property is £675.00 per calendar month and that rent shall apply and take effect from 17 July 2026.
2. The decision of the Tribunal is unanimous.

3. In terms of Section 30 of the Private Housing (Tenancies) (Scotland) Act 2016 (the 2016 Act) the Tribunal's decision is final and cannot be appealed.

Background

4. An application to the Tribunal was received on 5 November 2025. The applicant is the tenant. The respondent is the landlord. The tenancy is a private residential tenancy (PRT) under the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act").
5. The respondent served a Rent-Increase Notice, dated 9 September 2025, on the tenant under Section 22(1) of the 2016 Act, indicating that they intended to increase the rent on the property from £525 per calendar month to £750 with effect from 17 December 2025.
6. The tenant timeously objected to that proposed increase by referring the proposed increase to Rent Service Scotland.
7. By provisional order dated 14 October 2025 the rent officer proposed to set the rent at £700.00 per calendar month. The provisional order referred to two comparable properties. Both were two apartment flats, one in Govanhill Street with a monthly rent of £695 and one in Calder Street with a monthly rent of £725).
8. The rent officer issued a Final Order, dated 4 November 2025 determining that the rent should be £700.00 per calendar month. The appellant appealed that decision, and the matter was referred to the First-tier Tribunal. Both parties were invited to make written representations.
9. By letter dated 8 April 2026 both parties were notified that an inspection then hearing would take place at 10am then 11.30 am respectively on 21 May 2026. They were invited to attend both the inspection and the hearing. The applicant was present at the inspection and the hearing. The respondent was not present during the inspection but was represented at the hearing.

Findings in Fact

10. The applicant is the tenant and the respondent the landlord in respect of a private residential tenancy Agreement in respect of flat 2/1, 10 Govanhill Street, Govanhill Glasgow, G42 7JZ (**the property**)

11. The parties entered into the tenancy on 3 November 2018. The rent was £450 per calendar month. The rent was increased to £525 on in November 2022
12. The property is a second floor, self-contained tenement flat within a traditional four storey building overlooking Govanhill Park on the south side of Glasgow. Estimated to be approximately 120 years old, the building is of sandstone construction under a pitched roof clad with concrete tiles. Access is taken from a common entry close, protected by a “door entry system” and is shared with the other co-proprietors in the building.
13. The accommodation comprises a living room, bedroom, small electrically ventilated shower room and kitchen. Access to the kitchen is taken directly from the living room and there are storage cupboards accessed directly from the hall and living room.
14. The property is fitted with relatively old timber double glazed windows and there is a gas fired central heating system served by a wall mounted condensing boiler.
15. The kitchen (1.4 metres x 3.2 metres) is fitted with a stainless- steel sink unit and dated, although functional, wall and base fittings. Within the shower room (2.66 square metres) there are fitted units comprising a shower, wc and wash hand basin. These appear relatively old although they are functional.
16. The gross internal floor area of the entire flat is 40.6 square metres.
17. The tenant has been in occupation since 2018 and since taking entry there has been no significant redecoration or refurbishment.
18. The property is located in the Govanhill area to the southside of Glasgow. It has a good level of local services and transport links. Glasgow City Centre and is approximately two miles to the north.
19. Internally the property would benefit from a degree of refurbishment. The property does not have allocated parking but there is on street parking nearby.
20. The tenant’s rent falls due on the seventeenth day of each calendar month.

The hearing

21. The procedure to be adopted at the hearing was explained. Both parties would be able to present their case and ask the other questions. The Tribunal may also have questions. The Tribunal confirmed that it was required to fix the rent based on the concept of open market rent and explained the legal definition.

The appellant.

22. Despite saying the rent would not be increased for a year the landlord had issued a rent increase notice after 9 months. The increase from £525 to £725 (42%) was excessive. She has had to endure an infestation of bedbugs. There have been no improvements to justify an increase. No

The respondent

23. The rent sought was in accordance with rents achievable in the area. The landlord had agreed not to increase the rent for a year but that did not prevent him taking the necessary steps for it to be increased at the end of that year.

The law

24. 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 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.
25. The provisions set out in section 31A of the Act were repealed on 30 March 2025. This was before the rent increase notice was served on the Respondents on 23 May 2025. Section 31A does not therefore apply in this case.
26. 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.

Reasons for decision

27. There are two relevant methods of assessing the open market rent in Scotland are:
- (a) determining the open market rent by reference to market rents of comparable properties or
 - (b) determining the open market rent by reference to the anticipated annual return based on the capital value of the property.

28. Neither of these methods is the primary method. The appropriate method depends on the facts and circumstances of each case. The Tribunal also considered the observations of the Lord President in *Western Heritable Investment Co Ltd v Hunter* (2004) and also the case of *Wright v Elderspark Housing Association* (2017), which requires the Tribunal to proceed on the best available evidence and use the other evidence as a cross check, where possible.
29. There is no public register of rentals 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 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.
30. The assessment by the Tribunal is necessarily based on taking what evidence is available and adjusting for the differences in age, style, accommodation, floor area and any other relevant factors, such as location, condition, garden, garage, amenity etc, to arrive at a valuation.
31. Neither party produced any evidence of rental values in the area to support the claimed rent. The respondent had not challenged the Rent Officers assessment was content to agree to it.
32. Neither Mr Weclawski nor Mr Girdwood had any idea of the present condition of the property. The last time either of them had been in it was three years ago when Mr Weclawski attended to a plumbing issue.
33. Prior to the inspection and hearing no comparable evidence in support of their respective valuations had been received from, or on behalf of, either party. As no evidence had been supplied the tribunal confirmed in writing to both parties on 13 May 2021, that in arriving at its decision, it would consider all available similar properties in the immediate area currently being advertised to let and in particular the undernoted addresses. The property at 14 Niddrie Square was initially, wrongly identified as Niddrie Street, although the postcode was correct and this was brought to the attention of the parties during hearing.

Flat 1/2 16 Govanhill St Glasgow G42 7JZ

Flat 0/2 85 Inglefield St Glasgow G42 7PP

Flat 3/1 176 Langside Rd Glasgow G42 8XL

Flat 3/2 33 Daisy St Glasgow G42 8JN

Flat 2/1 32 Langside Rd Glasgow G42 7JQ

Flat Third floor 14 Niddrie Square Glasgow G42 8QE

Flat 2/2 26 Craigie Street Glasgow G42 8NQ

34. At the hearing the ordinary member confirmed that with the exception of 33 Daisy Street, all of the properties had “lets agreed” at the asking rentals details of which were supplied during the hearing. The relevant letting agent also confirmed that significant interest has been shown in 33 Daisy Street with several “block viewings” arranged following a reduction in the asking rental.
35. In determining the rental value, the tribunal have adjusted the proposed/passing rentals of the comparisons to reflect the differences in location, presentation, specification and condition. Consideration has also been taken of general market trends as published within the area.

Observations on the rent

36. Of all of the comparisons, 32 Langside Road (furnished) and 16 Govanhill Road (unfurnished) are considered to be the most relevant. They have the same open outlook, are very close to the subject property and offer similar accommodation. The Langside Road property, at 50 square metres is however 25% larger and 16 Govanhill Street (next door) at 55 square metres is approximately 35% larger than the property under appeal.
37. With the exception of a limited inspection of the property around 2023 to investigate a repair in the kitchen, the letting agent had not inspected the property prior to serving an increased rent notice. During the hearing the letting agent confirmed that it was not their policy to undertake inspections on behalf of the landlord in order to determine the condition of the property unless specifically requested to do so.
38. Similarly, the rent officer relied simply on photographs provided by the tenant and was unaware of the actual size of the flat.

Valuation

39. The tribunal were surprised that the rent had been reviewed by the landlord/landlord’s agents without them having completed a detailed inspection of the property for many years, particularly as many of the fixtures are now relatively dated. The comparative properties considered were generally in a better and more modern condition than the property which retained older kitchen and bathroom fittings and would benefit from a degree of redecoration.
40. The property, with a gross internal floor area of 40.6 square metres is at the smaller end of the one bedroomed rental market and the disproportionately high

level of storage/cupboard space accessed from the hall, living room and bedroom further restricted the living space in the property.

41. Having considered all of the available rental evidence, adjusted to reflect the circumstances of the property, the tribunal assess the rental at £675pcm.

Iain MacRae (Legal Member)

19 June 2026