



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 26 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Case reference FTS/HPC/RA/22/0684

Parties

Mrs Mary Barnett, Mr Ian Barnett (Applicant)

Gauld Properties (Respondent)

Flat 3/2, 63 Cresswell Street, Hillhead, Glasgow, G12 8AD (House)

Tribunal Member: Jacqui Taylor (Legal Member)

The Tribunal rejects the AT4 application by the Applicant dated 1st March 2022 being an application by the Tenant for determination of the rent in terms of section 24(3) of the Housing (Scotland) Act 1988.

The Applicant had received an AT2 from the landlord and Respondent dated 5th November 2021 advising that they were increasing the rent of the Property. The Applicant provided the Tribunal with a copy of her rent book. She also advised that her lease had commenced on 28th August 1962 and her lease is a regulated tenancy. The Respondent confirmed by email dated 5th May 2022 that the lease is a regulated tenancy.

Applications AT2 and AT4 apply to statutory assured tenancies. They do not apply to regulated tenancies.

As both the AT2 application sent to the Tenant and the AT4 application the Tenant sent to the First-tier Tribunal are invalid as the tenancy of the Property is not a statutory assured tenancy the Tribunal have good reason to believe that it would not be appropriate to accept the application and reject the application in terms of rule 8 (1)(c) of the Tribunal Rules.

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

.....J.Taylor.....Legal Member Date: 20th May 2022