



**Statement of Reasons for Decision of the First-tier Tribunal for Scotland
(Housing and Property Chamber (hereinafter referred to as “the tribunal”)
under Section 24 of the Housing (Scotland) Act 1988**

Case reference FTS/HPC/RS/24/3900

Parties

**Lena Mertens (“the applicant/tenant”)
Lesley Stuart (“the respondent/landlord”)**

5/1 357 Glasgow Harbour Terraces, Glasgow, G11 6EB (“the property”)

Tribunal Members:

Jim Bauld (Legal Member) and Sara Hesp (Ordinary Member)

Decision in absence of the parties

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be dismissed.

Introduction

1. This is a reference to tribunal in respect of the property at 5/1 357 Glasgow Harbour Terraces, Glasgow, G11 6EB. The tenant and applicant is Lena Mertens. The landlord and respondent is Lesley Stuart. The tenancy is a short assured tenancy under the Housing (Scotland) Act 1988 (“the 1988 Act”).

2. On 24 April 2024 the landlord served a notice on the tenant indicating that she intended to increase the rent on the property from £850.00 per calendar month to £1,200.00 per calendar month with effect from 5 January 2025.
3. The tenant objected to that proposed increase by referring the proposed increase to the First-tier Tribunal for Scotland (Housing and Property Chamber) by lodging Form AT4 dated 22 August 2024.
4. The matter was referred to a tribunal and both parties were invited to make written representations. Both parties were also notified by email and letters dated 24 January 2025 that an inspection and hearing would take place on 31 March 2025 with the inspection planned to take place at the property at 10.00 a.m. and a hearing on the same day at 11.45 a.m. within Glasgow Tribunal Centre.
5. The tenant then sent emails to the tribunal dated 24 January 28 January and 30 January all 2025. In these emails the applicant indicated that she no longer lived in the flat having removed from it in November 2024. She indicated that the flat was now advertised for sale.
6. On 5 February 2025 the tribunal received an email from David Walbancke, Senior property manager at Ritehome who were the letting agents acting for the landlord in the tenancy. He indicated that the tenant had removed from the property in November 2024 and that the landlord had appointed a separate agency to deal with the sale of the property.

Discussion

7. The tribunal has noted the information received from both parties and notes that the tenancy has now ended. On that basis, the tribunal now takes the view that it has no jurisdiction to continue to deal with this application. There is no longer a tenancy in respect of which the tribunal can make any determination with regard to rent.
8. Accordingly the tribunal has determined in terms of rule 27 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the tribunal procedure rules") to dismiss the application on the basis it no longer has jurisdiction in relation to the proceedings given the termination of the tenancy.
9. The inspection and hearing set for 31 March 2025 will be cancelled.

Decision

The tribunal accordingly dismisses the application.

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.

Jim Bauld

27 March 2025

Legal Member/Chair

Date