



**First-tier Tribunal for Scotland (Housing and Property Chamber)**

**Determination by First-tier Tribunal for Scotland (Housing and Property Chamber)**

**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/RA/25/1360

**Parties**

**Janin Benecke (Applicant)**

**Ocean Investments (Scotland) Limited (Respondent)**

**9 Copland Place, Flat 2/2, Glasgow, G51 2RS (House)**

**The Tribunal consisted of:-**

**Mr James Bauld                      - Chairperson**

**Ms Carol Jones                      - Ordinary member**

**Introduction:-**

1. This is a reference to the tribunal in respect of the property at 9 Copland Place, Flat 2/2, Glasgow, G51 2RS
2. The landlord is Ocean Investments (Scotland) Limited The tenant is Ms. Janin Benecke.
3. The tenancy is a short assured tenancy under the Housing (Scotland) Act 1988 (“the Act”). It commenced on 30 July 2012.



4. Prior to 28 March 2025, the landlords' letting agent, Harveys Property
5. , served an undated notice on the tenant indicating that they intended to increase the rent on the property from £865.20 per calendar month to £975.00 per calendar month with effect from 30 December 2025.
6. The Landlord's agent did not use form AT2 to give notice of intention to increase the rental. Instead, they used a form prescribed by The Private Housing (Tenancies) (Scotland) Act 2016.
7. The tenant objected to that proposed increase by referring the proposed increase to the tribunal by lodging Form AT4 dated 31 May 2025.
8. The matter was referred to a tribunal and both parties were invited to make written representations.
9. Both parties were also notified that an inspection and hearing would take place and were invited to attend the inspection and hearing. The inspection took place at the property on 18 August 2025 at 10.00 a.m. and a hearing took place on the same day at 11.30 a.m.

### **The Inspection**

10. The inspection took place at 10.00 a.m. on 18 August 2025. Ms Benecke was present and allowed the tribunal members access to the house. Neither the landlord nor any representative was present. A schedule of photographs taken at the inspection is attached to this decision

### **The hearing**

11. The hearing was attended by the applicant. Neither the landlord nor anyone from the letting agency attended.



### **Findings in fact**

12. The parties entered into a short assured tenancy initially on 30 July 2012
13. At some point prior to 28 March 2025, the Respondent's agent served a notice, bearing to be under and in terms of the Private Housing (Tenancies) (Scotland) Act 2016 seeking to increase the rental from £865.20 per month to £975.00 per month with effect from 30 December 2025.
14. The notice incorrectly told the tenant that she could challenge the proposed rent increase by applying to the Rent Officer.
15. On 31 May 2025, the Applicant served form AT4 and applied to the Tribunal for a determination of the rental.
16. The property is a large flat on the second floor of a three storey traditional sandstone tenement block. It is located in the Ibrox district of Glasgow around 4 miles south-west of the city centre. The property has two public rooms (one used as a living room and the other as a study), three bedrooms, kitchen and shower room. It benefits from gas central heating and the windows are all single glazed timber apart from the living room which has a uPVC double glazed bay window. The internal kitchen and shower room have basic fittings. The landlord has provided all floor coverings, some furniture and the kitchen appliances, the tenant has provided an extra fridge in the kitchen and redecorated all rooms. The entrance and close has a very poor appearance and there is no door entry system. The gross internal area is approximately 123 square metres.

### **Reasons for Decision**

17. The tenancy is a short assured a tenancy under the Housing (Scotland) Act 1988 ("the 1988 Act").



18. Rent increases in assured tenancies are governed by section 24 of the 1988 Act which requires the landlord to serve a notice of intention to increase rent in the prescribed form if there is no clause in the agreement which provides for a rent increase. The prescribed form is a form AT2.
19. There is no clause in the tenancy agreement which makes provision for an increase in rent
20. The notice of intention to increase rent was served by reference to The Private Housing (Tenancies) (Scotland) Act 2016, using the form prescribed by that Act in relation to private residential tenancies and incorrectly advised the tenant that she could challenge the notice by referring the notice to the Rent officer.
21. The notice of increased rent should have been served under the Housing (Scotland) Act 1988. The notice refers to the wrong statute and does not advise the tenant of her appeal rights. The notice is defective in form and so is invalid.
22. No valid notice of intention to increase rent has been served. There cannot, therefore, be an increase in rental.
23. Neither the landlord nor any agent appeared at the hearing to make any submissions relating to the validity of the notice served nor had they done so in the written submissions lodged prior to the hearing.

### Decision

No valid notice of intention to increase rent has been served. The proposed increase in rent is based on a notice which is legally defective in form and is thus invalid and cannot be enforced.

A handwritten signature in blue ink, appearing to read 'Jacqui Baird'.

Signed .....

15.09.2025

Date .....

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**James Bauld, Chairperson**