

Housing and Property Chamber

First-tier Tribunal for Scotland



Decision in respect of a referral to the First-tier Tribunal for Scotland Housing and Property Chamber for a Determination of Rent under Section 34(1) of The Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/RS/25/3677

Property: 2/2 13 Inchaffray Street, Perth, PH1 5RU

Parties:

Mr Alec Rose

(“the Tenant”)

and

Mr John Garvie

(“the Landlord”)

Represented by D J Alexander 10 Sunnyside, Edinburgh, EH7 5A

Tribunal members: Fiona Cook (Legal member/chair) and Robert Buchan (Ordinary member/Surveyor)

Background

1. The lease in the present case is a Short-Assured Tenancy, commencing on 20th January 2017. The Landlord’s agents gave notice to the Tenants of their intention to increase the rent from £425 per month to £500 per month from 20th October 2025. The Tenants made an application to the First Tier Tribunal for Scotland Housing and Property Chamber (“the Tribunal”) for a determination of rent under Section 34(1) of the Housing (Scotland) Act 1988 (“the 1988 Act”). The Tenants’ Notice of Referral (AT4) was dated 25th August 2025.

2. Prior to the Inspection and Hearing, both Parties sent the Tribunal written representations. Although the Landlord’s agents did not refer to a specific comparable property or properties, they suggested that the rent increase was in line with open market rents for one-bedroom properties in affluent areas of the neighbouring city of Dundee and that one bedroom properties in city centre locations appealed to young professionals.

3. The Tenant did not refer to any comparable properties but made the Tribunal aware of historic issues he had with the Property in relation to the reporting of faults and repairs and since the commencement of the tenancy in 2017. He felt that the proposed increase was excessive.

The Inspection

4. The Tribunal inspected the Property on the morning of 11th March 2026. The Tenant was present at the inspection, as was his support worker Claire Nichol from Autism Initiatives. The Landlords were represented by Mr Martin Urquhart from D J Alexanders’s Edinburgh office.

The Hearing

5. Following the Inspection, a Hearing was held at Inveralmond Business Centre Perth. The Landlords’ representative Mr Urquhart was again present as was the Tenant and Ms Nichol.

6. The Tribunal Members advised Mr Rose and Mr Urquhart that, as the only comparable properties related to unspecified addresses in Dundee and the Tribunal had no specific comparable properties the Tribunal was in the position that it would not be able to determine a rent for the property.

Reasons for Decision

7. The Property is a second floor flat in a 126-year-old tenement flat with open access to stairs at the rear. The Property is of stone and slate construction.

8. The accommodation comprises a hallway, bedroom, bathroom (with bath, wc and wash hand basin) and living room/kitchen. There is on street parking. The gross internal area is 40 square metres or thereby. There is a communal garden at the rear.

9. The Property has electric night storage and panel heating with an electric immersion heater, and the windows are modern upvc double-glazed units.

10. The Property is let unfurnished and floorcoverings, fridge freezer and washing machine were provided by the Landlords.

11. The Property is situated on the fringes of Perth city centre close to public transport, motorway links, schools and other local amenities.

12. Section 34(1) of the 1988 Act provides that the tenant under a Short Assured Tenancy may make an application to the Tribunal for a determination of the rent which in the Tribunal's opinion, the landlord might reasonably be expected to obtain under the Short Assured Tenancy.

13. Section 34(3) of the 1988 Act states that where an application is made to the Tribunal under Section 34(1), the Tribunal shall not make such a determination unless it considers (a) that there is a sufficient number of similar houses in the locality let on assured tenancies (whether Short Assured Tenancies or not) and (b) that the rent payable under the Short Assured Tenancy in question is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies referred to in paragraph (a).

14. The Tribunal was unable to determine that there is a sufficient number of similar houses in the area let on Assured Tenancies and had no evidence before it of rental figures for any comparable properties let on assured tenancies.

Decision

15. Having taken all factors into account the Tribunal determined that, in terms of Section 24(3) and 34(1) of the Housing (Scotland) Act 1988, it could not find that there is a sufficient number of similar, or at least comparable, houses in the locality let on assured tenancies and that, as a result, the Tribunal could not make a finding that the rent sought is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under assured tenancies in the locality. Accordingly, the Tribunal was unable to make a determination of rent in the present case.

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

F Cook

F Cook (Legal Member/Chair)

Date: 11th March 2026