

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 28 (1) of the Housing (Scotland) Act 2006 (“The Act”)

Chamber Ref: FTS/HPC/RN/25/4333

Re: Property at 3 Alberta Avenue, Howden, Livingston, West Lothian, EH54 6AN

Parties

Mr. Stephen Stewart and Ms. Rodella Stewart, 3 Alberta Avenue, Howden, Livingston (“the Tenants”)

Mr Gary Robertson, 50 Andrew Meikle Grove, East Linton, (“the Landlord”)

Tribunal Members:

Mr. A. McLaughlin (Legal Member) and Mr N. Allan. (Ordinary Member)

Background

[1] This is an appeal under Section 28 (1) of the Act against the rent set by the rent officer for the Property. The Landlord served a rent increase notice dated 5 August 2025, indicating that with effect from 7 November 2025, the contractual rent would increase from £830.00 per month to £1,900.00.

[2] The Tenant applied to the rent officer who ultimately, by decision dated 12 September 2025, assessed that the rent should be set at £1,270.00 per month with effect from 7 November 2025.

[3] The Landlord thereafter appealed to this Tribunal under Section 28 (1) of the Act by appeal in Form H dated 6 October 2025. Both parties have also submitted further representations setting out their respective positions about what the rent should be.

[4] The Tribunal intimated to all parties that they would inspect the property at 11 am on 1 April 2026 and thereafter convene a hearing at George House, George Street, Edinburgh at 1.30 pm on the same date. The Tenants were present for the inspection,

and the Landlord did not attend. The Tenants were then not present for the Hearing although the Landlord was then present.

The Inspection and Hearing

[5] The Tribunal inspected each room in the Property and the outside areas. The Property is a two storey, mid-terraced ex-local authority house brick built and rendered with a pitched and tiled roof.

[6] The parties then duly convened at the appointed time for the Hearing. The Tribunal heard from the Landlord and also discussed the written materials submitted by both parties about what they thought the appropriate rent should be and why.

Landlord's submissions

[7] The Landlord specifically drew the Tribunal's attention to certain properties marketed for rent online and which were said to be good comparisons with the Property. These included a five bedroomed terraced house for rent in Moncrieff Way, Livingston which was marketed for rent for £1,400.00 a month. The Landlord also drew the Tribunal's attention to another 4-bedroom terraced house for rent in Nigel Rise, Livingston which was marketed for rent for £1,600 a month.

[8] The Tribunal discussed these properties with the landlord and considered that they were broadly good comparisons for the Property in question. In the Landlord's written submissions, it was stated that *"I believe a fair rent for this property would be between £1450 and £1600 a month"*. The Tribunal therefore naturally discussed with the landlord why his original rent increase notice had sought an increase to £1,900.00. The Landlord's answer appeared to be that it was a negotiation strategy. It did however appear clear that even the Landlord himself did not consider that a rent of £1,900.00 would be fair.

[9] The Tribunal considered the two properties which the Rent Officer based their decision on. They were properties at Torridon Walk, Livingston and Kairns Brae, Livingston Village. These were stated to attract a rent of £1,200.00 and £1,250.00 a month. The rent officer's decision however did not appear to reflect the properties referred to by the Landlord in this Application.

Tenant's submissions

[10] The Tenants had submitted representations setting out that they would not be attending the Hearing but pointing out that they thought the rent level sent by the Rent Officer was fair and that it itself represented an increase of 48.5 per cent on the previous increase. They also pointed out that the property was in need of updating and

modernisation. The windows and doors were old and the central heating system performed poorly.

[11] Having considered the submissions from both parties and the Tribunal's own knowledge, the Tribunal made the following findings in fact.

Findings in fact

1. *The Tenants rent the Property known as 3 Alberta Avenue, Howden, Livingston ("the Property") from the Landlord by virtue of a Private Residential Tenancy.*
2. *The Property is a two storey, mid-terraced ex-local authority house brick built and rendered with a pitched and tiled roof.*
3. *The Landlord served a rent increase notice dated 5 August 2025, indicating that, with effect from 7 November 2025, the contractual rent would increase from £830.00 per month to £1,900.00.*
4. *The Tenant applied to the rent officer who ultimately, by decision dated 12 September 2025 assessed that the rent should be set at £1,270.00 per month with effect from 7 November 2025.*
5. *The Property would benefit from modernisation throughout. The kitchen is somewhat small and basic. The tumble drier has to be stored in a front porch area. The central heating system is not up to modern standards.*
6. *A fair current market rent for the Property is £1,375.00 per month.*

Decision

[12] Having made the above findings in fact, the Tribunal determined that, as per Section 29 of the Act, that the rent for the Property is £1,375.00 per month effective from 7 November 2025.

Reasons

[13] The Landlord himself considered that a fair rent would be between £1,450.00 and £1,600.00. The Tribunal considered that the comparable properties put forward by the Landlord were generally helpful, but that the Property would not quite attract the figure of £1,450.00 a month because it was in need of modernisation. The kitchen and the heating would suppress the price and the Tribunal considered that, on the balance of probabilities, a rent of £1,375.00 was appropriate. This rental sum takes effect from 7 November 2025.

The decision of the Tribunal is unanimous

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.

A McLaughlin

Legal Member/Chair

8 May 2026.

Date