

Housing and Property Chamber
First-tier Tribunal for Scotland



Housing (Scotland) Act 1988

Non-determination for Short Assured Tenancy

REFERENCE NO.

FTS/HPC/RS/26/1322

APPLICATION RECEIVED

23 March 2026

ADDRESS OF PREMISES

6 Grove Crescent, Carron, Falkirk, FK2 8TW

TENANT

Mr Max Doyle

**NAME AND ADDRESS OF
LANDLORD**

Mr Andrew Sinclair
10 Kingsley Avenue, Stenhousemuir,
Larbert, FK5 4LE

AGENT

Mr Stephen Sinclair

RENTAL PERIOD

Six months

DATE TENANCY COMMENCED

02/02/16

DESCRIPTION OF PREMISES

The property is a top floor flat in a 3 storey block of 6 flats of cavity brick and timber frame construction thought to have been built in or around 1993. There is secure entry to a common stair serving the flats. Accommodation comprises 2 Bedrooms, one with Shower-room en suite, Lounge, Kitchen and Bathroom. Heating is by gas fired boiler to radiators. Windows are timber framed and double glazed. Outside is a designated car parking space. The internal floor area is about 63 square metres and the property has an EPC rating of C.

There is a good range of local services and easy access into Falkirk which is about 2 miles away.

On the day of inspection, the common areas were well maintained. The flat was vacant and unfurnished. It had recently been redecorated but there were no particular issues noted which might unduly affect the rental value of the property

SERVICES PROVIDED

None

TRIBUNAL MEMBERS

CHAIRPERSON	Sarah O'Neill
ORDINARY MEMBER (SURVEYOR)	Robert Buchan
ORDINARY MEMBER	

PRESENT RENT	£6,600.00
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The tribunal did not make a determination when they considered the matter on 3 September 2026.

Remarks

The tenant moved out on 2 July and the tenancy ended on 2 August 2026, but the tenant indicated his wish to continue with the application as the landlord's agent was pursuing him for the additional rent since the date stated in the rent increase notice.

Chairperson of tribunal

Sarah O'Neill

Date 08/09/26

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)

(Hereinafter referred to as “the Tribunal”)

Under Section 34 of the Housing (Scotland) Act 1988 (“the 1988 Act”)

Case Reference Number: FTS/HPC/RS/26/1322

Re: 6 Grove Crescent, Carron, Falkirk, FK2 8T (“the property”)

Mr Max Doyle (Applicant and Tenant)

Mr Andrew Sinclair (Respondent and Landlord)

Tribunal Members – Sarah O'Neill (Legal Member) and Robert Buchan (Ordinary (Surveyor) Member)

Decision

The tribunal is unable to make a determination. The application is therefore dismissed.

Background

1. This is a reference to tribunal in respect of the property at 6 Grove Crescent, Carron, Falkirk, FK2 8TW.
2. The landlord is Mr Andrew Sinclair. The tenant is Max Doyle.
3. The tenancy is a short assured tenancy under the Housing (Scotland) Act 1988 (“the Act”). It commenced on 2 February 2016.
4. On 13 March 2026, the landlord served a notice on the tenant under Section 24(1) of the Act indicating that he intended to increase the rent on the property from £550 per calendar month to £750 per calendar month with effect from 2 May 2026.
5. The tenant timeously objected to that proposed increase by referring the proposed increase to the tribunal by lodging Form AT4 dated 24 March 2026.

6. The matter was referred to a tribunal and both parties were invited to make written representations. Both parties were also notified that an inspection and hearing would take place and were invited to attend the inspection and hearing.
7. Written representations were received from the tenant on 22 July 2026. The tenant advised that he had vacated the property on 4 July and that the tenancy was due to end on 2 August 2026. He said that Clyde Property, the landlord's letting agent, was pursuing him for the increased rent from 2 May 2026, even though he had challenged the proposed increase.
8. The tribunal administration contacted the tenant to enquire whether he wished to withdraw the application, as he had moved out. He replied on 31 July to confirm that he wished to continue with it.
9. The tribunal noted the terms of section 25 (7) of the 1988 Act and concluded that it was required to continue with the application, as the tenancy had not been brought to an end by order of the tribunal and the landlord and tenant had not given notice in writing that they no longer require a determination.
10. Written representations were received from Mr Stephen Sinclair, who is the landlord's son and the owner of the property, on behalf of the landlord on 11 August 2026. Within these representations, Mr Sinclair advised that the property was currently being redecorated with a view to re-letting it as soon as possible.
11. Mr Sinclair also provided information on how the proposed rent increase had been calculated. This was based on the rent for the flat immediately below which he also owned, which had been re-let in October 2025 at a rent of £895 per month. He had then applied a deduction to account for the differences in the cosmetic state of the two properties. He had also conducted a search on the Rightmove website for similar properties within the FK2 and FK5 postcodes, which he said confirmed that the proposed new rent was significantly below market value.
12. The tribunal issued a direction to the parties on 11 August 2026. In the direction, the tribunal noted that it appeared that the tenant wished to continue with the application because he was concerned that the landlord would pursue him for the additional rent proposed in the rent increase notice, for the period from 2 May 2026 until his tenancy ended on 2 August 2026. The tribunal observed that the parties may wish to consider whether they might come to an agreement regarding this additional rent, rather than proceeding with the inspection and hearing.
13. The tribunal also noted that its powers in setting or determining rents under assured or short assured tenancies are limited by the terms of the Housing (Scotland) Act 1988. It noted that in respect of a short assured tenancy, the tribunal can only make a determination if there are a sufficient number of houses in the locality let on assured tenancies and the rent payable under the tenancy

is significantly higher than the rent which a landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under those comparable tenancies.

14. In light of the above, the tribunal invited both parties to provide by 27 August 2026 any available evidence of any other rents in respect of other assured tenancies in the area.
15. Written representations were received from the tenant on 13 August 2026. He stated that he had proposed a 10% increase to the existing rent, which had been rejected by the landlord. He said that he would be happy to withdraw the application if the landlord confirmed that he would not seek the additional rent. He said that so far as he was aware, there were no other assured tenancies in the area, but that he was aware rents were now higher in the area. He said that he disputed the proposed rent increase on the grounds that no significant work had been done in 10 years which would make a 35% increase reasonable.

The inspection and hearing

16. The inspection took place at the property on 3 September 2026 at 10am. Mr Stephen Sinclair provided access for the inspection.
17. Following the inspection, a hearing took place on the same day at 11.30am at the John Player Building, Stirling Enterprise Park, Stirling. Neither party attended the hearing. Both parties had notified the tribunal in advance that they did not intend to attend the hearing.

Findings in fact

18. The property is a top floor flat in a 3 storey block of 6 flats of cavity brick and timber frame construction thought to have been built in or around 1993. There is secure entry to a common stair serving the flats. Accommodation comprises 2 Bedrooms, one with Shower-room en suite, Lounge, Kitchen and Bathroom. Heating is by gas fired boiler to radiators. Windows are timber framed and double glazed. Outside is a designated car parking space. The internal floor area is about 63 square metres and the property has an EPC rating of C.
19. There is a good range of local services and easy access into Falkirk which is about 2 miles away.
20. On the day of inspection, the common areas were well maintained. The flat was vacant and unfurnished. It had recently been redecorated but there were no particular issues noted which might unduly affect the rental value of the property.

The law

21. The relevant law contained in Section 34(3) of the Housing (Scotland) Act 1988 only allows the tribunal to make a determination in respect of the rent in a short assured tenancy in the following circumstances, namely where 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)”

Reasons for decision

22. Neither party had provided any information to the tribunal which demonstrated the current rent for any existing assured or short assured tenancy within the general area of the property. The information which had been provided by the landlord in respect of the flat below or other currently advertised rents related to properties which would be let on private residential tenancies under and in terms of the Private Housing (Tenancies) (Scotland) Act 2016.
23. The tribunal could find no information relating to any existing assured or short assured tenancies within the general area. There is no central register of such existing rents provided by any organisation which is available either to the tribunal or to the general public. There is no public record of private rentals.
24. A search of popular property websites shows similar 2 bedroom flats letting locally in a range of £700 to £950 per month but most within a narrower band of £825 to £875. These properties would, however, be let under private residential tenancies, which replaced assured and short assured tenancies from 1 December 2017, and which have different grounds for ending a tenancy.
25. In the absence of any information relating to rent for comparable properties on short assured tenancies or assured tenancies in the area, the tribunal is unable as a matter of law to make any determination given the specific provisions of section 34 of the 1988 Act.
26. The tribunal notes, however, that during the inspection, Mr Sinclair told the tribunal that he had advised Clyde Property that he did not wish to pursue the tenant for any additional rent from the date of the proposed increase until the end of his tenancy.

Decision

The application is therefore dismissed and no determination is made.

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

.....Date:....8 September 2026
Sarah O'Neill, Chairperson