



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/RS/26/1609

Parties

Kirstie Hemple, Samuel Hemple (Applicant)

Robert Williamson (Developments) Ltd (Respondent)

Gareth Robertson (Respondent’s Representative)

17 Livingstone Terrace, Redding, Falkirk, FK2 9TU (House)

The Tribunal consisted of:-

Mr James Bauld - Chairperson

Ms. Carol Jones - Ordinary (surveyor) Member

Introduction:-

1. This is a reference to the tribunal in respect of the property at 17 Livingstone Terrace, Redding, Falkirk, FK2 9TU
2. The landlord is Robert Williamson (Developments) Ltd. The tenants are Mr. Samuel Hemple and Mrs. Kirstie Hemple.
3. On 3 February 2025 the landlord served a notice using Form AT2 on the tenants indicating that they intended to increase the rent on the property from £500 per calendar month to £650 per calendar month with effect from 3 August 2025.
4. The tenants timeously objected to that proposed increase by referring the proposed increase to the tribunal by lodging Form AT4 dated 25 July 2025.



5. 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.
6. The tribunal members attended to carry out the inspection on 15 June 2026 at 10.00 a.m.
7. A hearing by teleconference was fixed for 2.00 P.M. on the same day.
8. The property comprises a detached dormer bungalow constructed around 30 years ago. It is situated in a small development of similar properties built at the same time by the landlord and located in the village of Redding around 2.5 miles south-east of Falkirk town centre. The accommodation comprises on the ground floor a hall, living room/dining room, kitchen, one bedroom and shower room and on the upper floor, two bedrooms and the main bathroom. The property has gas central heating, timber framed double glazed windows and is let unfurnished. There is a driveway to the side with a single car garage and gardens to the front and rear. The tenants have provided all kitchen appliances and white goods, all blinds and curtains, all floor coverings (except for carpets in two of the bedrooms which are original ones) and re-decorated and landscaped the rear garden. The property is in a basic condition, apart from a new boiler it has not been upgraded since construction. The kitchen units are at the end of their useful life, the shower room and bathroom fittings are dated and showing signs of wear and tear, the windows show significant signs of disrepair and the garage door is no longer secure. Some areas of external roughcasting have never been completed including three of the garage elevations. The Property is bounded immediately to the rear by the main Edinburgh to Glasgow railway line, The gross internal area of the property is approximately 113 square metres. A schedule of photographs taken at the inspection is attached.

The hearing

9. The hearing was conducted by teleconference and attended by the applicants. The landlord was represented by Gareth Robertson, the son of the landlord's Director.
10. The tribunal explained the procedure to be followed to the parties and noted they understood that objective and the manner in which the hearing would proceed



11. Discussion

12. The tenancy agreement produced shows that the tenancy held by the tenants bears to be a short assured tenancy under and in terms of the Housing (Scotland) Act 1988. Parties agreed that this tenancy was still in place and commenced on 9 February 2002.
13. It was noted that the Form AT2 had been served while the provisions of the Rent Adjudication (Temporary Modifications) (Scotland) Regulations 2024 ("the 2024 Regulations") were still in force. These Regulations were revoked on 1 April 2025
14. These Regulations introduced a maximum annual rent increase of 12% in certain circumstances set out more fully in the regulations.
15. On receipt of Form AT2, the tenants had responded to the landlord's agent advising that they had sought independent advice, that the proposed increase exceeded the maximum 12% increase allowed in terms of the 2024 Regulations and offering to pay £550 per month, being a 10% increase. No response has been received to that proposal.
16. Parties agreed that the appropriate rental figure including a 12% increase (being the maximum allowed by the 2024 Regulations) would be £560.
17. That maximum increase under the 2024 Regulations would require the actual market rent to exceed the existing rent by 24%. The existing rent was £500 and has been at that level since the tenancy commenced over 24 years ago. It has never been increased. The proposed rent in the AT2 was £650, being an increase of 30%. The landlord had lodged written representations showing that a rent of £1000 per month was being paid in respect of the property next door in 2023. Investigation by the tribunal indicated that market rents for two and three bedroom properties, albeit most of which have been significantly upgraded, within the wider Falkirk area ranged from £825 to £1495. The tribunal had little hesitation in accepting that the current market rent would be significantly more than the existing rent of £500 plus 24% (being £620) and the maximum increase allowed in terms of the 2024 Regulations would be applicable.



18. Parties having acknowledged that the 2024 Regulations applied confirmed that they would agree that the rent payable from August 2025 would be fixed at £560 per calendar month.
19. With regard to whether that increase should be backdated to 3 August 2025 the tribunal would draw the parties' attention to the provisions of section 25(7) of the Housing (Scotland) Act 1988. That provision effectively indicates that when a tribunal makes a determination of a rent, the new rent should be payable from the date stated in the Form AT2 unless the tribunal is satisfied that such backdating would cause "undue hardship" to the tenant. The tribunal was not specifically addressed on this issue but given the extent of the increase being allowed, the tribunal does not believe it will cause undue hardship to the tenant.

Decision

The tribunal accordingly determines that the rent to be applied from 3 August is £560 per month being the maximum amount permitted in terms of the 2024 regulations and not the £650 sought by the landlord

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

Housing and Property Chamber
First-tier Tribunal for Scotland



30.06.2026

Signed

Date

James Bauld, Chairperson

Housing and Property Chamber
First-tier Tribunal for Scotland



Schedule of photographs taken during the inspection of 17 Livingstone Terrace, Redding,
Falkirk FK2 9TU by the First-tier Tribunal for Scotland (Housing and Property Chamber)
on Monday 15th June 2026

Reference Number : FTS/HPC/RS/26/1609



Front Elevation



Living Room



Dining Room (open plan with living room)



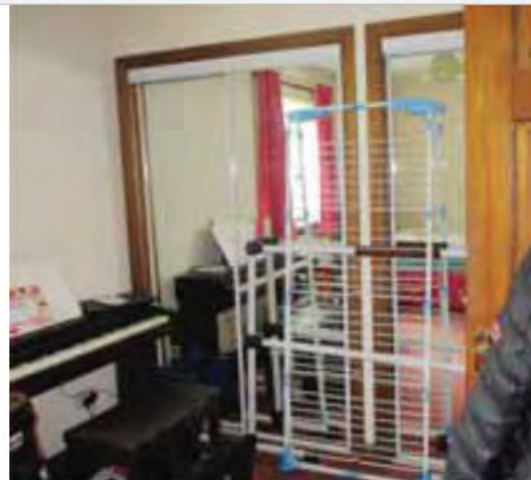
Kitchen



Kitchen



Ground floor Bedroom



Ground floor Bedroom



Shower Room



Shower Room



Upper floor Bedroom (1)



Upper floor bedroom (1)



Upper floor Bedroom (2)



Upper floor bedroom (2)



Bathroom



Garage



Garage



Garage (internal)



Rear elevation