

RENT ASSESSMENT PANEL FOR SCOTLAND

HOUSING (SCOTLAND) ACT 1988 SECTION 25 (1) REGISTER OF RENTS DETERMINED UNDER STATUTORY ASSURED TENANCIES

REFERENCE NO.

RAC/DD1/A39

APPLICATION RECEIVED

5 October 2006

ADDRESS OF PREMISES

R/2/1, 48 Union Street, Dundee, DD1 4BE

TENANT

Mr D Burns

LANDLORD

Kusum International Ltd.

AGENT

Lickley Procter Lettings
58 Bell Street
Dundee
DD1 1HF

RENTAL PERIOD

Monthly

DATE TENANCY COMMENCED

March 1999

DESCRIPTION OF PREMISES

Second floor tenement flat above commercial property circa 1900, dated internally and comprising three rooms, living kitchen and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS**CHAIRMAN**

Mrs J Lea LLB MBA MSc

PROFESSIONAL MEMBER

Mr D Godfrey ARICS

LAY MEMBER

Mr A McKay

PRESENT RENT

£ 3000.00 p.a.

RENT DETERMINED BY RAC £ 3500.00 p.a.

DATE CONSIDERED

19 December 2006

DATE DETERMINATION TAKES EFFECT

28 March 2007

J Lea

Chairman of Rent Assessment Committee

19/12/06

Date

RENT ASSESSMENT COMMITTEE

STATEMENT OF REASONS

Flat R/2/1, 48 Union Street, Dundee

19 December 2006

This is an application by the tenant for a determination of the rent payable under Section 24 of the Housing (Scotland) Act 1988. The landlord is Kusum International Ltd per Lickley Proctor Lettings, 58 Bell Street, Dundee. The tenant is Mr D. Burns.

The Tenancy is an assured tenancy. On 15 September 2006 the landlord served on the tenant an AT2 notice under Section 24 of the Housing (Scotland) Act 1988, seeking an increase in rental to £3500 per annum. The Rent Assessment Committee received form AT4 application by the tenant for a determination of rent by the Rent Assessment Committee under Section 24(3) of the said Act.

Inspection

The Committee carried out an inspection on 19 December 2006. The tenant, Mr D. Burns was present. The landlords were not present or represented.

Hearing

There was no hearing as neither party had asked for one.

Description

The property is a three apartment 2nd floor flat located above commercial property. The property is in good condition externally. It was built circa 1900 and is a traditional tenement property in the city centre. There is a security entry system. The property is dated internally and has old 5amp wiring. The bathroom has an old bath, which is not full size and the wash hand basin has a waste pipe which empties into the bath. There is no extractor fan in the bathroom and the only window is to the stairwell. There is no heating in the property apart from electric heaters provided by the tenant. There are open fireplaces in three of the rooms. There is no kitchen in the property, the sink and basic units which are in the room which is used as a kitchen were provided by the tenant. The tenant also replaced the hot water tank and put in an immersion heater. The property is in wind and watertight condition apart from some water ingress at the sash windows in the living room and one of the bedrooms. The flat is in a much sought after central area of Dundee with excellent amenities close by.

Documentation

The Committee had the following documentation before them:-

1. Form AT4 completed by the tenant
2. Form AT2 completed by the landlord
3. Written representations by the tenant
4. Written representations by the landlord
5. Correspondence between the landlord and the tenant.

Decision

The Committee found the list of comparables provided by the landlord to be useful. The Committee considered that the most comparable properties were the two bedroom flats at 72 Bell Street, Dundee and 6 Whitehall Crescent, Dundee. Both are central flats of similar size and one has a rental of £5400 per annum and the other is presently being advertised at a rental of £6000 per annum (It was previously rented at £4692 per annum). Taking into account this evidence and also using it's own knowledge and experience, the Committee considered that the market rent for a property such as this modernised and in good condition would be £5400 per annum. The Committee however considered that this figure would require to be reduced by £1000 per annum to take account of the fact that the property does not have double glazing, central heating, modern kitchen and bathroom units or a satisfactory wiring system. This rent would require to be further reduced to take account of the fact that, ignoring any tenant's improvements, the property has unusable wiring, does not have any kind of kitchen, has a very dated bathroom and a lack of proper heating and hot water. The Committee considered that it was very unlikely that a tenant would lease a property in this condition. The Committee accordingly further reduced the rent by 20% to take account of this. On this basis the Committee considered that a market rent for the property would be £3500 per annum. The Committee noted that the landlord had offered to carry out modernisation work at the flat but the tenant did not particularly want this to happen.

J Lea

.....Chairman

26/1/07

.....Date