



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

RAC/AB21/A76

APPLICATION RECEIVED

8 February 2011

ADDRESS OF PREMISES

9 Walton Road, Bucksburn, Aberdeen, AB21 9TX

TENANT

Mr G & Mrs K Marsh

NAME AND ADDRESS OF LANDLORD

University Of Aberdeen

AGENT

Wendy Cruickshank
Staff Housing Manager
University Office
Kings College
Aberdeen

RENTAL PERIOD

3-Monthly

DATE TENANCY COMMENCED

4 June 2005

DESCRIPTION OF PREMISES

Detached Cottage C.1900 with oil central heating and double glazing, comprising 5 rooms, kitchen and bathroom.

Gross internal floor area = 100 square metres.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN

PROFESSIONAL MEMBER

LAYMEMBER

Mr E Miller LLB(Hons) Dip. LP NP

Mr C Hepburn ARICS

Mrs L Robertson

PRESENT RENT

£ 8400.00 p.a.

RENT DETERMINED

£ 9000.00 p.a.

DATE CONSIDERED

21 April 2011

DATE DETERMINATION TAKES EFFECT

21 April 2011

E Miller

Chairman of Private Rented Housing Committee

13/5/2011

Date

PRIVATE RENTED HOUSING COMMITTEE

STATEMENT OF REASONS

INSPECTION – 25th April 2011

PROPERTY - 9 Walton Road, Bucksburn, Aberdeen, AB21 9TX ("the Property")

INTRODUCTION

The Committee comprised Mr E K Miller (Chairman), Mr C Hepburn (Surveyor) and Mrs L Robertson (Housing Member).

The Property belongs to The Rowett Research Institute, which is part of the University of Aberdeen, King's College, Aberdeen, AB24 3FS ("the Landlord"). The Tenants are Mr and Mrs Geoff Marsh residing together at 9 Walton Road, Bucksburn, Aberdeen, AB21 9TX ("the Tenants"). This was an application to the Private Rented Housing Panel for the determination of an application by the Landlord under Sections 24 and 25 of the Housing (Scotland) Act 1988 ("the Act") for a determination of the market rental payable under the tenancy between the Landlord and the Tenants.

The Tenants have been in occupation of the Property since 4th June 2005. Up until approximately one year ago, the Tenants had been paying a rental of £318.25 per month. The Landlord had applied for a rent increase to £900 per month. A previous Committee had set the rent at £700 per month. The Landlord had now applied for a further rent increase, a year having elapsed since their previous application, and was now seeking a rental of £800 per month. The Panel appointed the Committee to inspect the Property and to make a decision on the market rent for the Property.

INSPECTION

The Committee inspected the Property on the morning of 21st April 2011. The Property is located within lands owned by The Rowett Research Institute, now part of the University of Aberdeen. The Property is located in a pleasant situation and has open views over farmland towards the A96. The Property has good access into Bucksburn, Dyce and on into the city of Aberdeen itself.

The Property is a detached cottage, built circa 1900, with oil central heating and double glazing and comprises 5 rooms, kitchen and bathroom. The gross internal floor area is approximately 100 square metres. The Property has a good sized garden laid mainly to grass and a detached garage, currently used as a store/kennel.

The Tenants were not present at the inspection but had arranged for their son to provide access. Ms Wendy Cruickshank and Ms Tracey Robb were present for the University.

Internally, the Property comprised a lounge with a small room utilised as a bedroom off this, a second lounge, two bedrooms, kitchen and bathroom.

The kitchen was small and in average condition at best. New fronts had been added to the kitchen units within recent years although the units themselves, beyond this, were quite dated.

The main lounge was a reasonable size. The Committee understood that the Tenants had installed a wood burning stove in this room and had replaced some of the skirting boards. Situated off the main lounge was a small bedroom.

The second lounge was also in average decorative order and was a good sized room overlooking the front of the Property.

There were two bedrooms on the upper floor, both were of a reasonable size and in reasonable if dated decorative order.

The bathroom to the Property was also located on the upper floor. This was quite dated although it remained serviceable.

One or two carpets were missing throughout the Property, these having apparently been removed by the Tenants recently due to water ingress. Mr Hepburn carried out various damp meter checks at various points in the Property. There was no sign of any material damp ingress into the Property.

Overall the Property was in reasonable condition. The décor overall was dated and the kitchen and bathroom in particular could do with updating and improvement.

DOCUMENTATION

Form AT2 from the Landlord dated 8th November 2010.

Form AT4 from the Tenants dated 5th February 2011.

The Committee also had before it various representations from both the Tenants and Landlord.

HEARING

The Tenants were unable to be present at the Hearing but had provided some written comments for the Committee by way of letter dated 19th April 2011. The Landlords were represented by Ms Cruickshank and Ms Robb.

The Landlords submitted that the rent being charged in respect of the Property was too low. They appreciated that only a little over a year ago they had obtained the determination where the rental had been set at £700 per calendar month and they were now coming back and looking for an uplift to £800. The Landlords submitted that at the time of the last rental determination the University were still in the course of getting a feel for the management of the various properties on The Rowett Estate and the rental returns that could be obtained from the properties on the Estate. The University were finding that

properties on the Estate were able to let with comparative ease at rental values higher than they had anticipated. The Landlords provided the Committee with a list of similar properties on the Estate and the rental levels achieved. The Landlords highlighted No.1 Eastside Gardens which was a detached 3-bedroom farmhouse with garage, and therefore comparable to the Property, where a rental of £800 per month had been achieved. 8 Walton Road was a semi-detached 3-bedroom property and had achieved £775. 138 Greenburn Road was a small semi-detached 3-bedroom bungalow where £770 had been achieved. The Landlords were confident that in the event that they were re-letting the Property they would, with some minimal refurbishment, be able to obtain £1,000 plus per month for the Property. The Property was in a quiet location and would be an attractive Property with some minor modernisation. The University had received a number of enquiries about the Property. The Landlords accepted that £1,000 was not realistic once Tenants improvements, the current decorative order and the dated nature of the kitchen and bathroom were taken into account but they did feel that £800 was achievable even in its current condition.

The Committee considered the Tenants representations. These primarily related to some repairs and damp issues that the Tenants felt existed within the Property. Unfortunately the Tenants did not provide any evidence of any comparable properties at the rental level suggested by the Tenants.

DECISION

In terms of Section 25 of the Act, the Committee are required to determine a rent which the Committee consider that the Property might reasonably be expected to be let on the open market by a willing Landlord under an assured tenancy. The Committee were of the view that the Property would be reasonably attractive in the letting market. It enjoyed a quiet rural location. It had good access to neighbouring facilities and a good route into the city of Aberdeen itself. The Property itself had reasonable sized rooms and a reasonable garden area. The Committee accepted the Landlords proposition that once modernised the Property could command in excess of £1,000 per calendar month in rent. The Committee were of the view, however, that due to the dated nature of the kitchen and bathroom, the modernisation may need to go further than the cosmetic improvements suggested by the Landlord to achieve this. The Property was in need of upgrading, particularly in relation to the kitchen and bathroom and also needed some general redecoration. The Committee also took into account that the Tenant had carried out some minor redecoration works in the past and also put in a wood burning stove. If these tenants improvements were disregarded and the current condition of the Property taken into account this would significantly reduce the level of rental achievable. The Committee were of the view that the standard of rented accommodation that modern day tenants required upon taking entry to a property was rising and that the current condition of the Property, disregarding tenants' improvements, would impact on the rental achievable. That said, the Committee were satisfied that rent in the Aberdeen area generally had risen since the last rental determination and that the Landlords had managed to achieve higher rent on the Estate. The Committee were of the view that taking account of all of the factors put forward by both parties that a market rent for the Property in its current condition would be £750 per calendar month.

The Committee considered the date on which the new rent would take effect from. Under Section 25(6) of the Act this may be the date specified in the form AT2 from the Landlords (in this case being 10th February 2011). However the Committee have the right to vary the date of the start of the new rent up to the date from when the Committee determined the rent if it appears that setting the rent from the date of the notice would cause undue hardship to the Tenants. In light of the material increase in the rent being set by the Committee and the fact this followed close upon a previous significant increase in rent, the Committee were satisfied that to effectively backdate the rent to November 2010 would cause undue hardship to the Tenants. Accordingly, the Committee determined that the rent would take effect from 21st April 2011.

In reaching their decision the Committee had full regard to the requirements of the Act.

E Miller

Signed: (Chairman)

Date: 13/5/2011