

Housing and Property Chamber
First-tier Tribunal for Scotland



Housing (Scotland) Act 1988

Register Of Rents Determined Under Short Assured Tenancies

REFERENCE NO.

FTS/HPC/RS/18/2116

APPLICATION RECEIVED

16 August 2018

ADDRESS OF PREMISES

74F Baker Street, Stirling, FK8 1DB

TENANT

Mr Martin Toone, Ms Nicole Clubb, Ms Holly Toone

**NAME AND ADDRESS OF
LANDLORD**

Mr John Wight, Mrs Elizabeth Wight
Townfoot Farm, Symington, Biggar,
ML12 6LL; Townfoot Farm,
Symington, Biggar, ML12 6LL

AGENT

Wallace Property
Remax, 61 Baker Street, Stirling, FK8
1DB

RENTAL PERIOD

6 months and monthly thereafter

DATE TENANCY COMMENCED

11 August 2017

DESCRIPTION OF PREMISES: top floor flat in 3-storey tenement (1956). Living room, 3 double bedrooms, kitchen and bathroom. Bath with shower over. Gas central heating. Double glazing. Unfurnished. Carpets and white goods provided. Shared back green. Close to local amenities. No HMO Licence.

SERVICES PROVIDED

None

TRIBUNAL MEMBERS

CHAIRPERSON

George Clark

ORDINARY MEMBER (SURVEYOR)

Carol Jones

ORDINARY MEMBER

PRESENT RENT

£8,700.00

DETERMINED RENT

£9,000.00

DATE OF DECISION

7 December 2018

EFFECTIVE DATE

11 September 2018

7 December 2018

Chairperson of tribunal:

G. Clark

Housing and Property Chamber First-tier Tribunal for Scotland



Statement of Decision with Reasons in respect of a referral to the First-tier Tribunal for Scotland Housing and Property Chamber for a Determination of Rent under Sections 24(3)(a) and 25(1) of The Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/RS/18/2116

Property: 74F Baker Street, Stirling FK8 1DB (“the Property”)

Parties:

Mr Martin Toone, Ms Nicole Clubb and Ms Holly Toone, all 74F Baker Street, Stirling FK8 1DB (“the Tenants”) and

Mr John Wight and Mrs Elizabeth Wight, Townfoot Farm, Symington, Biggar ML12 6LL (“the Landlords”)

Tribunal members: George Clark (Legal Member/Chair) and Carol Jones (Ordinary Member/Surveyor)

Background

1. The current rent for the Property is £725 per calendar month (£8,700 per annum) and it is a Short Assured Tenancy. By way of a Form AT2 Notice, the Landlords proposed a new rent of £900 per calendar month (£10,800 per annum). The proposed rent was to take effect from 11 September 2018. The Tenants referred the Notice to the First Tier Tribunal for Scotland Housing and Property Chamber (“the Tribunal”) for a determination of rent under Section 24 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The Tenants’ Notice of Referral (AT4) was received on 16 August 2018, before the beginning of the

period to which the proposed new rent related, as required by Section 24(3) of the 1988 Act.

The Inspection

2. The Tribunal inspected the Property on the morning of 7 December 2018. The Tenants, Mr and Ms Toone, were present at the inspection, but not at the subsequent hearing. The Landlords were not present or represented at the inspection but were represented at the hearing by Mr Will Barratt of Remax, 61 Baker Street, Stirling. A file of photographs, taken at the inspection, is attached to and forms part of this Statement of Decision

3. The Property is a top floor flat in a 3-storey tenement of flats, erected, according to a date engraved in the stonework above the entrance door, in 1956. The accommodation within the Property comprises a living room, 3 double bedrooms, kitchen and bathroom. The kitchen units and appliances are basic. The bathroom is also basic, having a bath with an electric shower over, wash hand basin and toilet. There is gas central heating, with a combi boiler and the windows are double glazed timber. There is a modern electrical consumer unit and smoke and heat detectors have been installed as required by law. The Property is in fair decorative order. There is a shared common green to the rear. The gross internal floor area is 75 square metres or thereby. The Property is let unfurnished, apart from white goods, and no services are provided by the Landlords. The tumble dryer is reportedly not working. The common stair is in very poor decorative condition. On-street permit and metered parking is available outside the Property. The Property does not have an HMO Licence. It is conveniently located close to the excellent amenities of Stirling town centre.

Written Submissions

4. The Tenant did not make any written submissions to the Tribunal, apart from statements in the Form AT4 application that there was an ongoing mould issue, which had been referred to the letting agent. They provided the Tribunal with

a copy Short Assured Tenancy Agreement which commenced on 11 August 2017 at a monthly rent of £725.

5. The Landlords made no written representations to the Tribunal.

The Hearing

6. Following the inspection, the Tribunal held a hearing at STEP Stirling, Stirling Enterprise Park, John Player Building, Stirling FK7 7RP and heard from the Landlords' representative, Mr Barratt. He produced a spreadsheet of properties currently available for let in Stirling and told the Tribunal that they indicated an average rent per room of £331. He cited as the best examples of comparable properties, 3-bedroom flats in Port Street, at £1,000 per month, in King Street at £900 per month, in Union Street at £1,100 per month and in Upper Craigs at £1,200 per month. He accepted that the first three examples (and possibly the fourth one as well) all had the benefit of an HMO Licence and estimated the impact on rental values of the absence of such a Licence to be £150 per month. He confirmed that the previous tenants had latterly been paying £675 per month.
7. The Landlords' representative then left the Hearing and the Tribunal considered all the evidence before it, including comparative rental evidence it had obtained from its Members' own research.

Decision

8. The Tribunal had identified at least nine 3-bedroom properties currently or recently advertised for let in the central area of Stirling. Accordingly, the Tribunal determined that there was a sufficient number of similar houses available to let in the locality to enable it to make a determination.
9. The Tribunal considered the best comparable 3-bedroom properties to be those in Port Street and King Street. Port Street (£1,000 per month) was let furnished, had an HMO Licence and appeared from the particulars to be in

better condition than the present Property. King Street (£900 per month) was also in better condition, was let furnished and had the benefit of an HMO Licence. There was also a furnished 2-bedroom flat in Baker Street advertised at £625 per month.

10. Using its own knowledge and experience and having regard to the information available, the Tribunal considered that the market rent for a furnished 3-bedroom property with an HMO Licence in the locality of the present Property would be in the region of £900-£1,000 per month. The present Property was in a good location, close to local amenities, but it was in poorer condition than the examples in Port Street and King Street, it was unfurnished, had basic fittings and did not have an HMO Licence, which would restrict its appeal on the rental market particularly in this University city, as it would mean that at least two of any potential group of three tenants would have to be from the same family. The Tribunal was of the view that a 3-bedroom flat without an HMO Licence would not achieve a rent significantly in excess of a 2-bedroom flat in the same area and it had noted the 2-bedroom flat in Baker Street, which appeared to be in better condition than the present Property, had been advertised at £625 per month.
11. Having taken all factors into account the Tribunal decided that, in terms of Section 25(1) of the Housing (Scotland) Act 1988, the rent at which the property might reasonably be expected to be let in the open market by a willing landlord under an Assured Tenancy was £750 per month (£9,000 per annum). The increased rent proposed by the Landlords was significantly higher than this, so, in terms of Section 34(3) of the Housing (Scotland) Act 1988, as there is a sufficient number of similar houses in the locality let or available for let, the Tribunal was entitled to make a determination.
12. The Tribunal decided that its Determination should take effect from 11 September 2018.

G. Clark

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(Legal Member/Chair)

Date 7 December 2018

*This is the Schedule of Photographs
referred to in the Property Statement
of Date of 7 December 2018*

**Housing and Property Chamber
First-tier Tribunal for Scotland**



Schedule of photographs taken during the inspection of 74F Baker Street, Stirling FK8
1DB by the First-tier Tribunal for Scotland (Housing and Property Chamber) on
7 December 2018

Reference Number : FTS/HPC/RS/18/2116



Front Elevation



Living Room



Kitchen



Kitchen



Bathroom



Bathroom



Bedroom (1)



Bedroom (2)



Bedroom (3)