



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G11/640	8 May 2008	Tenant

ADDRESS OF PREMISES

2/1, 56 Laurel Street, Glasgow, G11 7RD

TENANT

Mr McGrow

NAME AND ADDRESS OF LANDLORD

G Murphy

AGENT

Redpath Bruce
103 West Regent Street
Glasgow
G2 2DQ

DESCRIPTION OF PREMISES

Second floor traditional tenement flat circa 1890 comprising one room, living kitchen and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN

SURVEYOR

HOUSING PANEL MEMBER

Mrs J Taylor LLB Dip LP NP

Mr G Campbell FRICS

Mrs T Ahmed

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 1675.00 p.a.	1 July 2008	1 July 2008

J Taylor

Chairman of Private Rented Housing Committee

7th July 2008

Date

STATEMENT OF REASONS

in connection with

INSPECTION HELD ON 1st JULY 2008

of the property

2/1, 56 Laurel Street, Glasgow, G11 7RD

1. THE PARTIES

The landlord is Mr G Murray and he is represented by Redpath Bruce Property Management, 103, West Regent Street, Glasgow, G2 2DQ.

The tenant is Mr McGrow. His tenancy is a registered tenancy in terms of the Rent (Scotland) Act 1984.

2. BACKGROUND

The current rent is £1500 per annum. The landlords applied for the rent to be increased to £2000. The Rent Officer registered a rent of £1675 per annum with effect from 5th June 2008. The Tenant referred the determination to the Private Rented Housing Panel ('PRHP').

3. THE INSPECTION

The committee inspected the property, a second floor flat in a traditional four storey sandstone tenement, which is over 100 years old. The accommodation comprises one room, living kitchen and bathroom. There is no central heating in the property and the gas fire in the lounge had been condemned. The windows in the property are the original sash and case windows. They are in a very poor condition. In particular one of the windows in the lounge was, in the opinion of the committee, dangerous and in need of urgent repair as the bottom rail and sash were rotten, with the result that the pane of glass was unsupported.

There is a communal area at the rear of the tenement and the bin storage area is located here. The communal close has been renovated in the past and a door entry has been installed.

The property is conveniently located for public transport and local services.

No services are provided.

4. THE HEARING

No hearing was requested.

5. THE DECISION

The committee had the following documents before them:-

- A copy of form RR1, the landlord's application for registration of the rent.
- Written Representations by the landlord comprising details of one bedroom flats being advertised as available for rent in the area:-
 - 1 bedroom apartment, Partick, Glasgow, including furniture and appliances. The property has white meter central heating. Rent sought £415 per month.
 - 1 bedroom apartment, Partick, Glasgow, including furniture and appliances. The property has central heating. Rent sought £370 per month.
- List of comparable rents, provided by the clerk:-

Address	Accommodation	Description	Effective date	Registered Rent
1/R, 51 Rose Street, Glasgow	2 rooms, dining kitchen and bathroom.	Traditional tenement flat with double glazing	5/12/07	£3600
2/2, 3 Benalder Street, Glasgow	2 rooms, dining kitchen and w.c.	Traditional tenement flat with double glazing	19/3/08	£3100
13/1, 70 White Street, Glasgow, G11 5Ed	2 rooms, living kitchen and bathroom.	Traditional tenement flat	19/3/08	£3600
0/2, 4 White Street, Glasgow	1 room, living kitchen and dark bathroom.	Traditional tenement flat with double glazing and central heating	19/3/08	£2400

The committee had obtained details of many properties available to lease in the area, from news paper advertisements and the internet. They had observed many 'For Let' signs in the vicinity of the property. In particular, the following properties were available for lease:-

➤ Dumbarton Road, Hayburn, Glasgow, G11.

The accommodation comprises kitchen area, double bedroom, shower room and separate toilet. The Advertised rent was £ 375 per month.

➤ Dumbarton Road, Partick, G11.

The accommodation comprises lounge, bedroom, kitchen and bathroom with shower. The property has gas central heating. The Advertised rent was £ 385 per month.

➤ Dumbarton Road, Hayburn, G11.

The accommodation comprises lounge, double bedroom, kitchenette and bathroom. The property has gas central heating and partial double glazing. The advertised rent was £390 per month.

The committee considered the documents provided and the evidence mentioned. The committee were mindful of the terms of section 48(1) of The Rent (Scotland) Act 1984, which requires the committee 'to have regard to all of the circumstances (other than personal circumstances) and in particular to apply their knowledge and experience of current rents of comparable property in the area, as well as having regard to the age, character and locality of the dwelling house in question and to its state of repair and, if any furniture is provided for use under the tenancy, and to the quantity, quality and condition of the furniture'. Also section 48(2) which requires them to 'assume that the number of persons seeking to become tenants of similar dwelling- houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling- houses which are available to let on such terms.'

The committee carefully considered the most appropriate method of determining the fair rent of the property. The committee were also mindful of the observations of the Lord President in **Western Heritable Investment Co Ltd v Hunter (2004)** which requires the committee to proceed on the best available evidence and use the other evidence as a cross check where possible.

As there are many similar properties available for lease in the vicinity, the committee accepted that there is no scarcity in supply and that therefore the market rent is the fair rent.

The committee reviewed the evidence of the market rents and determined that the market rent of improved similar properties provided with fitted kitchen, appliances, and upgraded bathroom ('similar improved properties') was £ 360 per month, £4320 per annum.

They recognised that the property 2/1, 56 Laurel Street, Glasgow was in a poorer condition than the similar improved properties and therefore a reasonable deduction was required to reflect the differences in the properties. They considered that the cost of supplying furniture and appliances, installing central heating and double glazing, rewiring the property, replacing the bathroom and kitchen fitments, decorating and replacing the flooring would be in the region of approximately £ 16,200.

They considered that this capital expenditure would have a reasonable average life expectancy of 10 years which justified a reduction of £ 1620 from the annual rent of the similar improved properties of £4320 per annum. They also considered that the dangerous condition of the window in the lounge rendered the lounge unusable and this justified a further reduction of £1025.

Consequently, they decided that the fair rent for the property was £ 1675 per annum.

In reaching this decision the committee have had regard to all the considerations required to be taken into account in terms of Section 48 of the Rent (Scotland) Act 1984.

This decision takes effect from the First day of July Two thousand and eight.

..... **J Taylor**
Chairperson, 7th July 2008