



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

**Determination by 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 Number: FTS/HPC/RA/22/0589**

**Parties**

**Mr. Benjamin Jack. 52 Innerwick Drive, Hillington, Glasgow, G52 2HY (“the applicant”)**

**Gauld Properties Limited, 22 Milnpark Street Glasgow, G41 1BB (“the respondents”)**

**The Tribunal consisted of:-**

**Mr James Bauld - Chairperson**

**Mr Mike Links - Surveyor member**

**Introduction:-**

1. This is a reference to tribunal in respect of the property at 52 Innerwick Drive, Hillington, Glasgow, G52 2HY. The landlords are Gauld Properties Limited. The tenant is Mr. Benjamin Jack. The tenancy is a Statutory Assured Tenancy under the Housing (Scotland) Act 1988 (“the Act”).



2. On 13 October 2021 the landlords served a notice on the tenant under Section 24(1) of the Act indicating that they intended to increase the rent on the property from £454.17 (£5450 per annum) per month to £550 per calendar month (£6600 per annum) with effect from 18 April 2022. The tenant timeously objected to that proposed increase by referring the proposed increase to the Private Rented Housing Panel by lodging Form AT4 dated 25 February 2022.
3. 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. The inspection took place at the property on 24 June 2022 at 10.00 a.m. and a hearing by conference call on the same day at 2.00 p.m.

### **Findings in Fact**

4. The property, which is about 87 years old, is a traditional style upper cottage flat in the Cardonald/Hillington area of Glasgow. The outer walls are of cavity construction of brick and block, rendered externally and the roof is pitched, timber framed and covered with asbestos tiles. The gross internal floor area is 75 square metres or thereby.
5. The accommodation consists of living room, 3 bedrooms, hall, kitchenette and bathroom.
6. The windows within the property were mainly single glazed UPVC units throughout the property. A double glazed unit had been installed in the window that serves both bathroom and kitchen. There is a double glazing window in the bedroom (1st left to front). From previous decisions made by earlier tribunals, it is noted that the central heating had been installed in the property by the tenant's father a number of years ago with the benefit of a grant from the Scottish Executive.
7. There is garden ground allocated to the property to the side and rear.
8. The property is well located for local amenities and public transport.
9. Externally the building is consistent with its age and type of construction and is in reasonable order.



10. Internally the flat is in reasonable decorative condition, however the bathroom and kitchen are in need of significant upgrading and modernisation.
11. Within the kitchen, there are no wall units which have been provided by the landlord. There is only one small worktop area between a now empty and unusable floor to ceiling cupboard containing a water tank. There is a stainless steel sink. No worktops are provided on the other side of the kitchen. No appliances are provided by the landlord. The electrical wiring appears to be dated by modern standards though it is understood a new consumer unit has been installed.
12. The subjects are let unfurnished and the present tenant has occupied the property for over 60 years. It was previously his parents' house and he now occupies the property on his own.
13. A new boiler was installed by the landlord a number of years ago. The pipe work and the boiler in the hall have now been boxed in by the tenant.
14. The property is in a reasonable state of internal decoration, all carried out by the tenant.

### **The Hearing**

15. The hearing was attended by the applicant and by Miss Claire Trainer who represented the respondents. She indicated she was an assistant within the respondent's office.
16. The tribunal asked Miss Trainer what she thought would be the appropriate rent for the property. She indicated that the suggested level of £6600 per annum was the general rate that the respondents charged for similar properties in the area. She indicated that the respondents have a number of similar properties in the area.
17. She accepted that this property did not benefit from the provision of white goods in the kitchen nor double glazing throughout the property. She accepted that the carpets and floor coverings throughout the property has been provided by the tenant. On being asked about the kitchen and the lack of any appliances, units or worktops provided by the landlord, it was her position that the kitchen served its purpose and was well maintained.
18. It was her position that if this property was to be offered for let on the open market today in its current condition, with no kitchen appliances



and no floor coverings, that she would expect it to attain the rent of £6600 per annum being sought.

19. The tribunal then asked Mr. Jack to respond to the landlord's position. It was his view that no increase in rent should be allowed. It was his position that this property lacked significant amenities that would now be regarded as standard in rented properties. He indicated that the windows were mainly single glazed and that the kitchen had no units whatsoever provided by the landlord. He had carried out all interior decoration and had provided all floor coverings. He had tiled floors in both bathroom and kitchen and had also fully tiled the bathroom walls. He indicated that there were repairs issues to the property including leaks in the window.

## **The Law**

20. The Tribunal is bound to fix a market rent for the subjects by applying the terms of the Act. The Tribunal is required to determine the rent at which, subject to certain assumptions in the Act, the Tribunal considers that the subjects might reasonably be expected to achieve if they were let on the open market by a willing landlord under an assured tenancy. There is no single preferred method for fixing the market rent. It is for the Tribunal to determine based on the evidence before it the best method to fix the market rent.

## **Discussion and decision**

21. The Tribunal accordingly considered a variety of properties which were available for let in the area and which were advertised on various property websites. The tribunal also considered recent decisions in respect of similar properties in the Hillington area including one relating to a property at 42 Gladsmuir Rd, Hillington where the tribunal set a rent at £5220 per annum on 1 December 2021
22. The Tribunal noted that there were a number of flats advertised online available within the Hillington area close to the property with advertised monthly rents ranging from £600 per month to £800 per month. The properties which were advertised were all modernised and were fully provided with appliances, carpets and curtains and in some cases the properties were also furnished.
23. The Tribunal considered this evidence together with the documentation provided by both the landlord and the tenant. The Tribunal took the



view that the market rent for properties comparable to 52 Innerwick Drive, Glasgow, assuming it was fully modernised and had all the usual facilities associated with such a property would be in the range of £600-£700 per month. The Tribunal accordingly took the view that the rent which might be achieved for such a flat would be approximately £650 per month or £7800 per annum.

24. The Tribunal were aware that previous Tribunals had made determinations in respect of this property, the most recent where the market rent had been fixed at £5,450 per annum. The Tribunal took the view that since the date of the last decision there was no evidence of any significant improvement or refurbishment having been effected by the landlords to this property
25. Having reached the view that the rent which might be achieved for this property was £7800 per annum, the Tribunal also acknowledged that an adjustment was required to reflect the fact that the property at 52 Innerwick Drive was let on an unfurnished basis with partial double glazing.
26. The Tribunal also took the view that deductions were appropriate in respect of the fact that the bathroom and kitchen within the property were not modernised, that no appliances were provided by the landlord and that although the landlord had installed a new boiler many years ago, the central heating system had been installed by the tenant's father many years ago and was now aged.
27. Further deductions should be made in respect of the internal decoration, and flooring within the property. The Tribunal noted that no works had been carried out to this property by the landlord since the date of the last inspection which would have improved this property.
28. The Tribunal considered that a deduction should be made and the deduction should be at a level which was reasonable to reflect the differences between the property being examined and the properties generally available in the area. The deductions are based on assuming certain capital costs for the various items and allocating to each a national life span which would depreciate on a straight line basis
29. The tribunal took the view that the appropriate deduction required to reflect the matters listed would be £2,300 per annum
30. In view of the foregoing, the Tribunal decided that the open market rent should be increased to £5,500 per annum. The Tribunal noted that no services are provided by the landlord. In reaching this decision the



Tribunal had regard to all the circumstances required to be taken into account in terms of Section 25 of the Housing (Scotland) Act 1988.

31. Accordingly, the Tribunal decided that the market rent for this property should be £5,500 per annum and this rent should take effect from 18 April 2022, the date indicated in the Form AT2 submitted by the landlord and served on the tenant.

32. The decision of the Tribunal was unanimous.

**Signed**

**Date 27 June 2022**

**James Bauld, Chairperson**