

RENT ASSESSMENT PANEL FOR SCOTLAND

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

REFERENCE NO.
RAC/ML11/A45

APPLICATION RECEIVED
25 May 2007

ADDRESS OF PREMISES
4 Whitelees Road, Lanark, ML11 7LD

TENANT
Mr A Hutton

LANDLORD
Mr C May

AGENT
Redpath Bruce Property Managers
103 West Regent Street
Glasgow, G2 2DQ

RENTAL PERIOD
Monthly

DATE TENANCY COMMENCED

DESCRIPTION OF PREMISES

One and a half storey grey sandstone and slate semi-detached cottage circa 1840 comprising on ground floor two public rooms, dining kitchen, and bathroom. Upper floor 3 bedrooms and boxroom

SERVICES PROVIDED
None

COMMITTEE MEMBERS

CHAIRMAN	Mrs A Devanny LLB NP
PROFESSIONAL MEMBER	Mr A English FRICS
LAYMEMBER	Mr S Campbell

PRESENT RENT £ 311.00 p.c.m.

RENT DETERMINED BY RAC £ 4000.00 per annum

DATE CONSIDERED
22 August 2007

DATE DETERMINATION TAKES EFFECT
28 May 2007

A Devanny

Chairman of Rent Assessment Committee

Date

22nd August 2007.

RENT ASSESSMENT COMMITTEE

STATEMENT OF REASONS

In connection with

Inspection held on Wednesday 22 August 2007

Of the property

4 Whitelees Road, Lanark ML11 7LD
(hereinafter referred to as "the property")

INTRODUCTION

This is a reference by Mr. Alan Hutton (the "tenant") following on a decision by his landlord to increase the rent payable for the property at 4 Whitelees Road, Lanark from £311 per calendar month to £4000 per annum effective from 28 May 2007. The landlord is Christopher May per Redpath Bruce Property Management, Glasgow. Mr. Hutton and prior to him his parents have occupied the property as tenants since 1964. The reference by the tenant to the Rent Assessment Committee is by way of application on form AT4 dated 25 May 2007 for a determination of rent under Section 25 of the Housing (Scotland) Act 1988.

INSPECTION

The Committee inspected the property on the morning of 22 August 2007. The tenant was present throughout the inspection. No representative of the landlord attended.

The property comprises a grey sandstone semi-detached one and a half storey cottage built according to historical sources circa 1840. The cottage has a slate roof. The property is situated in a pleasant residential area with good access to shopping and excellent transport links. The cottage has a small front garden with no vehicular access. Parking is on street and at the time of inspection there were spaces near to the property. The rear concrete yard is relatively small and was untidy at the time of inspection. The yard has a concrete surface which is cracked and broken in places. The tenant drew the Committee's attention to dislodged rendering and raised slabs to the side of the property caused when a water pipe was replaced by the landlord. Externally the structural condition of the property is satisfactory.

The accommodation of the property comprises two public rooms, dining kitchen, and bathroom downstairs and two double bedrooms, a single bedroom and a box room upstairs. The rooms are of good size but are poorly decorated and were cluttered at the time of inspection. The kitchen is basic in nature. Within the kitchen a gas fire, a sink unit and appliances have been provided by the tenant. The bathroom also is basic and the tenant indicated that he had replaced the toilet and sink. The property has the original single glazed windows. There is no heating in the property apart from a coal fire in the living room and the gas fire installed by the tenant in the kitchen. The water is heated by immersion heater. No services or furniture are provided by the landlord. The Committee noted the complaints of the tenant in relation to lead pipes for the water supply which have not been replaced; to holes left in skirting and walls following the rewiring; to cracking in some plasterwork and the possible uneven settlement of the property; and to some window defects. The Committee decided that these defects are not significant.

HEARING AND DECISION

As no hearing had been requested, the Committee considered carefully the written documentation before it, viz.: -

1. Landlords' letter requesting the matter be referred to the Rent Assessment Committee dated 25 May 2007.
2. Form AT4 for the property dated 25 May 2007.
3. Copy Form AT2 dated 21 November 2006.
4. Copy of the Tenancy Agreement.
5. Landlords' representations dated 30 May 2007 and 7 June 2007.
6. RAPC Admin. acknowledgement dated 1 June 2007.

The tenant drew to the attention of the Committee in the Form AT4 a note of tenant's improvements and a schedule of defects and disrepair which the tenant wanted the Committee to consider when determining the rent for the property.

The landlord submitted that he had shown a willingness to complete repairs and highlighted certain improvements he had carried out recently to the property.

No submissions with regard to the level of current market rents were put forward by either the landlord or the tenant. The landlord submitted that due to an absence of available comparable rents for similar properties that a fair rent for the property would be around £4042 based on the capital value of the property.

The Committee considered the documents referred to above. The Committee was mindful of the terms of Section 25 of the Housing (Scotland) Act 1988 in determining the rent.

The Committee considered comparable rents and observed a pattern of two bedroomed improved properties being offered for rent in the area in the range of between £375 and £400 per month. The Committee were of the opinion that the nature of the property at 4 Whitelees Road and its additional accommodation would justify an open market monthly rental figure of £450 in furnished modernised condition. Making a deduction for the lack of modernisation of the property, its non-furnished condition, the lack of central heating and the property's general condition, the Committee concluded that a deduction of £100 should be made from this figure resulting in an open market rental figure of £350 per month, which equates to a rental figure of £4200 per annum. The Committee cross-checked this rental figure by considering the rental increase sought by the landlord and whether it was roughly consistent with inflationary rental increases and agreed that it was. The Committee took no issue with the base capital value of the property calculated by the landlord or the open market rent calculated on that basis by him. The Committee concluded that applying its skill, knowledge and experience as best it could, that the annual rent of £4000 sought by the landlord is reasonable.

Having taken all the requirements of section 25 into account, the Committee determined the appropriate annual rent for the property to be £4,000.

The decision takes effect from the Twenty Eighth day of May Two thousand and seven.

A Devanny

Chairperson,
22nd August 2007