

**PRIVATE RENTED HOUSING PANEL****HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)****Register Of Rents Determined Under Statutory Assured Tenancies**

REFERENCE NO.	APPLICATION RECEIVED
RAC/TD5/A89	12 March 2012
ADDRESS OF PREMISES	
6 Fairmington Farm Cottages, Maxton, Kelso, TD5 8NT	
TENANT	
Mr & Mrs H Tawse	
NAME AND ADDRESS OF LANDLORD	AGENT
Nigel Salvesen of N&M Salvesen, Fairmington Farm, Kelso, TD5 8NT	
RENTAL PERIOD	DATE TENANCY COMMENCED
Monthly	April 1989
DESCRIPTION OF PREMISES	
End-terrace farm cottage dating from about 1890 with double glazing, solid fuel central heating, large garden to front and garden to rear comprising living room, dining area, 3 bedrooms, kitchen and bathroom.	
SERVICES PROVIDED	
None	
COMMITTEE MEMBERS	
CHAIRMAN	David Preston
PROFESSIONAL MEMBER	Mike Links
LAYMEMBER	Scott Campbell
PRESENT RENT	£360 p.c.m. (£4320p.a.)
RENT DETERMINED	£395 p.c.m. (£4750p.a.)
DATE CONSIDERED	DATE DETERMINATION TAKES EFFECT
23 May 2012	7 August 2012

D Preston

Chairman of Private Rented Housing Committee

Date

28/5/12

Determination and Reasons

PRIVATE RENTED HOUSING PANEL

HELD ON: 23 May 2012

SUBJECT PROPERTY: 6, Fairnington Farm Cottages, Maxton, Kelso TD5 8NT

Background

1. This is a reference to the Private Rented Housing Panel ("the PRHP") for determination of an open market rent under the Rent (Scotland) Act 1988 by the tenant, Mr & Mrs Hugh Tawse in relation to the subject property.
2. The rent payable by the tenant had been determined by PRHP on 12 July 2010 in the sum of £4320 per annum. In terms of section 24(2) the landlord had served form AT2 dated 2 February 2012 advising of an increase in rent to the sum of £4800 per annum with effect from 7 August 2012 in response to which the tenant had submitted an application by form AT4 received by PRHP on 12 March 2012.

THE EVIDENCE

3. The Committee had the following documents before it:
 - Form AT2.
 - Form AT4.
 - Representations by Landlord dated 11 April 2012.
 - Copy determination and Statement of Reasons by the Private Rented Housing Panel in respect of the property dated 30 July 2010

The Committee were provided by the parties with and also had details of comparable properties in the locality from the internet. The Committee took account of all these documents and used their knowledge and experience in determining a market rent.

THE INSPECTION

4. The Committee comprising David Preston, Chairman, Mike Links, Surveyor, Scott Campbell, Housing Member inspected the property on 23 May 2012 in the presence of Mrs Tawse and the landlord.

DESCRIPTION OF THE SUBJECT PROPERTY

5. The subject property is an end terrace farm cottage, built at the end of the 19th century and renovated within the past 3 years. The gross internal floor area amounts to 103 sq m or thereby. Accommodation comprises living room, dining area, kitchen and bedroom 1 on the ground floor and 2 bedrooms with bathroom on the upper floor. There is solid fuel central heating with an open fire in the living room and an immersion heater. It is

double glazed throughout. The carpets have been provided by the tenant. There is a large garden to the front and a garden to the rear.

6. The problems with dampness reported in July 2010 had been resolved by the landlord in December 2011, however there was evidence of probable condensation in one of the upper bedrooms. The damp meter did not indicate that the problem was significant and the Committee was of the view that it was probably condensation. The tenant also complained of water ingress under the back door.
7. The Committee noted that the Statement of Reasons dated 30 July 2012 did not refer to the dining area which the Committee considered to be an additional public room in the subject property.

HEARING

8. The landlord and Mrs Tawse both attended the hearing. Mrs Tawse confirmed that the damp proof work had been successfully completed in December 2011 and that the carpets were the tenants' property. She confirmed that the back boiler served radiators throughout the house except the living room which has the open fire and the kitchen. Hot water is obtained from the back boiler there being an electric immersion heater in addition.
9. Mrs Tawse referred principally to the neighbouring cottage, number 7, which also belongs to the landlord and had been fully refurbished about 4 or 5 years ago and included oil fired central heating, carpets, wood burner and shower, and had been fully insulated. The accommodation in number 7 was stated to be identical in layout to the subject property. The rent currently being charged by the landlord for that property is £395 per month. She had been advised by the damp proofing contractor that the subject property had not been insulated which had given rise to the dampness in the past.
10. Mrs Tawse stated that although the landlord had referred to the rent for number 5, (£430pcm) as a comparable, it has three separate bedrooms, whereas the ground floor bedroom in the subject property is accessed through the living room. Number 5 also has oil fired central heating.
11. Mrs Tawse produced a list of three comparable properties in the locality from the internet currently on the rental market with rents varying from £295 to £380 per month.
12. The landlord drew the Committee's attention to the fact that the previous Committee had been advised that the rent for number 7 had been £380. He had not been able to be present, but pointed out that the rent was, and had been £395. He asked the Committee to take this into consideration.
13. The landlord confirmed that number 7 had been fully refurbished and fully insulated while the subject property had less work carried out. He stated that he had only been made aware of the dampness in the bedroom within

the very recent past and his contractor had been surprised to hear about it in view of the work done.

14. The landlord produced a list of comparable properties in the locality from the internet currently on the rental market with rents varying from £420 to £450 per month.

DECISION AND REASONS

15. The committee gave consideration to open market rents in establishing a fair rent for the property. It noted that the comparables produced by the parties from the internet were at extreme ends of the market. The Committee considered that the subject property is generally in good condition subject to the water ingress at the back door and the signs of apparent condensation on the upper floor. It also considered that in comparison to the other properties from the internet produced by the parties the subject property had an additional public room, which would offset to an extent the disadvantage of accessing the ground floor bedroom through the living room.
16. The Committee noted that while comparable rents in the vicinity in July 2010 had been found to average between £350 to £395, they appeared to have risen slightly with comparable rents now being in the region of £380 to £450. In addition it noted that the current rent of number 7 had been set some 2 years ago. It also took into account that the figures stated in the internet properties were asking prices and not actual rental figures.
17. Accordingly the committee, taking all the factors and the representations into account and using its knowledge and expertise of market rents in the area considered that an open market rent for the subject property is £395 per month ie £4,740 per annum.
18. The committee was of the view that there was no scarcity in relation to properties similar to the subject property in its locality.
19. The decision of the Committee was unanimous and will take effect from 7 August 2012, being the effective date specified in the AT2.

D Preston

..... Chairman

28/5/12. Date