



Determination by Private Rented Housing Committee

Statement of Reasons for decision of the Private Rented Housing Committee

(Hereinafter referred to as “the Committee”)

Under Section 24 (1) of the Housing (Scotland) Act 1988

Case Reference Number: PRHP/RA/16/0170

Introduction:-

1. This is a reference to the Private Rented Housing Committee in respect of the property at 42 Gladsmuir Road, Hillington, Glasgow G52 2HX. The Landlords are Gauld Properties Limited. The Tenant is Miss Agnes Anderson. The Tenancy is a Statutory Assured Tenancy under the Housing (Scotland) Act 1988 (“the Act”).
2. On 4 November 2015, 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 to £6,000 per annum with effect from 4 May 2016. The Tenant timeously objected to that proposed increase by referring the proposed increase to the Private Rented Housing Panel. The Tenant lodged a Form AT4 with the Private Rented Housing Panel in support of her application. The Form AT4 was dated 26 April 2016.
3. The matter was referred to a Private Rented Housing Committee 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 8 September 2016. The Landlords lodged no other information with the Private Rented Housing Panel. The inspection was attended by the Tenant and by Ms Joan Johnstone, a representative of the Landlord.

The Inspection

4. The Committee inspected the property on 8 September 2016. The Committee consisted of:-

Mr Andrew Cowan - Chairperson
Mr Robert Buchan - Surveyor member

Statements of Fact

5. The property is a traditional style upper cottage flat in the Cardonald/Hillington area of Glasgow. The accommodation consists of living room, a galley style kitchen, a dining room situated off the living room, 2 bedrooms and bathroom. The gross internal floor area of the property is approximately 65m². The windows are double glazed units. The double glazed units in the living room, dining area and one of the bedrooms were paid for and provided by the Tenant. The other double glazed units were installed by the Landlords. Electric central heating has been installed in the property by the Tenant. This was paid for by the Tenant. The Tenant has also recently had cavity wall insulation and roof insulation installed at the property. This was paid for using the benefit of a grant from the Scottish Government. There is garden ground allocated to the property. The property is well located for local amenities and public transport. Externally the building is consistent with its age and type of construction and is generally sound.

6. Internally the flat is in a basic condition. The bathroom and kitchen are in need of modernisation. The electrical wiring in the property was renewed by the Landlord in 1998. The property generally is in a poor state of decoration. No appliances have been supplied by the Landlord. The floor coverings throughout the property are minimal but any which are in place have been supplied by the Tenant.

The Hearing

7. At the hearing the Committee had the following documents before them:-
 - (a) A copy of the form AT2 served by the Landlords upon the Tenant and dated 4th November 2015 which advised the Tenant that the Landlords proposed a new rental of £6,000 per annum

 - (b) A copy of the form AT4 completed by the Tenant, requesting a determination of the rent. In this form the Tenant highlighted that some improvements had been carried out by the Tenant herself during her occupancy of the property. These include:-
 - (a) installation of electric central heating in 1999 at a cost of approximately £2,330; and
 - (b) installation of 3 double glazed windows in October 2009 at a cost of approximately £1,910
 - (c) installation of a new mixer tap in the kitchen at a cost of approximately £110.

8. The Committee considered the documentation available. The Landlords had lodged no other documentation in support of the proposed increased rent.
9. Neither the Tenant nor the Landlord attended the hearing

The Law

10. The Committee is bound to fix a market rent for subjects by applying the terms of the Act. The Committee is required to determine the rent at which (subject to certain assumptions in the Act) the Committee 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 Committee to determine, based on the evidence before it, the best method to fix a market rent.
11. The Committee made some enquiries in relation to other similar sized properties which were available to let in the immediate neighbourhood of the property. The Committee noted that the rent for other similar sized properties in the same neighbourhood as the subject property ranged from £495 to £595. It appeared to the Committee that all the properties which were currently advertised for rent had all been modernised and were provided to Tenants with appliances, carpets, curtains and, in some cases, other furnishings. The Committee were satisfied from the terms of their investigations that a fully modernised property of a similar size to the subject property might reasonably be expected to achieve £560 per month (£6720 per annum) by way of rent.
12. Given the condition of the property as currently let by the Landlords, the Committee acknowledged that an adjustment was required to reflect the fact that the property concerned was let on an unfurnished basis, with partial double glazing and to reflect the fact the Landlords did not supply any appliances or floor coverings, nor had the Landlords carried out any decoration. In addition the Committee were also required to disregard the effect on the rent of the improvements which the Tenant had carried out to the property. These improvements, including the installation of the 3 double glazed units on 3 of the windows in the property, together with the installation of the electric central heating. Having taken account of the improvements carried out by the Tenant and, further, having taken account of the fact that the property concerned had not been improved decorated or otherwise modernised by the Landlords for a considerable period of time and, further, considering that the Landlords had not supplied to the Tenant any appliances or floor coverings, the

Committee considered that a deduction of £1,100 per annum was reasonable to reflect such differences from a fully modernised property.

13. In view of the foregoing the Committee decided that the market rent for the property at 42 Gladsmuir Road, Hillington, Glasgow G52 2HX, was £5,620 per annum. The Committee noted that no services are provided by the Landlord.
14. In reaching this decision the Committee have had regard to all the circumstances to be taken into account in terms of Section 25 of the Housing (Scotland) Act 1988. Accordingly the Committee decided that the market rent for this property should be £5,620 per annum (£468.33 per month) and this rent should take effect from 4th May 2016, being the original date proposed by the Landlord in the Form AT2.
15. The decision of the Committee was unanimous.

A Cowan

Signed
Andrew Cowan, Chairperson

Date 22 September 2016

L McManus

..... Witness
Laura McManus, Secretary, 7 West George Street, Glasgow, G2 1BA

Photographs taken during the inspection of
42 Gladsmuir Road, Glasgow, G52 2HX



First Floor Front



Rear

Photographs taken during the inspection of
42 Gladsmuir Road, Glasgow, G52 2HX



Kitchen



Bathroom