



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

RAC/EH10/E60

APPLICATION RECEIVED

25 August 2009

ADDRESS OF PREMISES

2F2, 39 Jordan Lane, Edinburgh, EH10 4QY

TENANT

Mr D Howells

NAME AND ADDRESS OF LANDLORD

Mr & Mrs Lorimer
38 Pentland Gardens
Edinburgh
EH10 5JR

AGENT

N/A

RENTAL PERIOD

6 Monthly

DATE TENANCY COMMENCED

4 June 2007

DESCRIPTION OF PREMISES

Second floor tenement flat C.1900 comprsing 2 rooms, kitchenette, bathroom and utility room.
The groos internal floor area is 58 sq.m.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN

SURVEYOR

HOUSING MEMBER

Mr E Miller LLB (Hons) Dip LP NP

Mr R Buchan BSc FRICS

Mrs C Anderson

PRESENT RENT

£ 5,520.00 per annum

RENT DETERMINED

£ 6,120.00 per annum

DATE CONSIDERED

30 October 2009

DATE DETERMINATION TAKES EFFECT

30 October 2009

E Miller

Chairman of Private Rented Housing Committee

Date

9/11/09

PRIVATE RENTED HOUSING COMMITTEE

STATEMENT OF REASONS

INSPECTION - 30 October 2009

**PROPERTY - Flat 2F2, 39 Jordan Lane,
Edinburgh, EH10 4QY ("the Property")**

INTRODUCTION

1. The Committee comprised Mr E K Miller (Chairman), Mr R Buchan (Surveyor) and Mrs Christine Anderson (Housing Member).
2. The landlords are Mr and Mrs Grant Lorimer, 38 Plewlands Gardens, Edinburgh, EH10 5JR.
3. The tenant is Mr David Howells, Flat 2F2, 39 Jordan Lane, Edinburgh. This reference to the Private Rented Housing Committee for the determination of a market rent under the Rent (Scotland) Act 1988 in respect of the Property arises from dissatisfaction on the part of the tenant.
4. The current rent is £460 per calendar month. By way of Form AT2 dated 25 February 2009, the landlords sought a rent of £560 per calendar month. The reference by the tenant to the Private Rented Housing Panel is by way of application on Form AT4 for a determination of rent under Section 24(a) of the Housing (Scotland) Act 1988.

DESCRIPTION OF THE PROPERTY

5. The Committee, accompanied by the Clerk to the Committee, Mr Robert Shea, inspected the Property on the morning of 30 October 2009. The Property is situated in an attractive quiet street in Morningside and is close to a wide range of shops and facilities in Morningside itself. The Property is a second floor flat within a four-storey, traditional, circa 1900,

Edinburgh tenement block. There is a shared drying green to the rear of the Property and there are pleasant views from the front.

6. Within the Property there is a large lounge with bay window. There is a small kitchen, which is dated and in poor condition. There is a good sized bedroom to the rear of the Property and off this is a small "utility" room, which contains a washing machine and sink unit. The utility room also contains the gas fired central heating boiler. There is a narrow bathroom, also at the rear of the Property. The bathroom is in poor condition and would benefit from modernisation. There are a number of storage cupboards within the Property.

The windows are of traditional timber framed single-glazed sash and case design and appear to the Committee to be in reasonable order. The Property has been furnished by the landlords although various items of furniture, rugs, mattress, microwave, etc. have been provided by the tenant as well.

HEARING & SUBMISSION

7. Neither party had requested nor wished to attend a Hearing. The Committee therefore considered carefully the written documentation before it:-
 - (1) Written submission by the tenant dated 10 September 2009 together with details of other rental properties in Morningside highlighted by the tenant.
 - (2) Form AT6 dated 7 October 2008.
 - (3) Written submission from the landlord dated 9 September 2009 together with listings of various rented property in the Morningside area supplied by the landlord.
 - (4) Notice to Quit dated 30 September 2008.

- (5) Form AT4 submitted by the tenant.
- (6) Form AT2 submitted by the landlord dated 25 February 2009.
- (7) Copy undated Tenancy Agreement together with Inventory of Contents.

The tenant submitted that the current market rent for this Property should be around £460 per month. The tenant provided details of a Property in Balcarres Street at £495 per month, a first floor flat in Jordan Lane itself at £525 per month and an unidentified one bedroom flat in Morningside advertised at £475 per calendar month. In his submission the tenant made assumptions that those properties that were let through letting agencies would have 15% of the rent deducted to cover administrative costs. In arriving at his market rent figures, the tenant deducted 15% from the advertised rent to suggest what the true market rent was. The Committee were not of the view that this is an appropriate method of assessing the market rent. The market rent is the rent which can be achieved on the open market for a Property. If a landlord wishes to use the services of an agency to advertise and manage the Property then that was a cost to the landlord that the Landlord chose to bear. It did not have any impact on the rent that could be achieved for a property and was therefore not relevant to the Committee in coming to their decision.

The landlords' submission was that the rent should be £560 per calendar month. The landlords were of the view that the Property was an attractive, spacious Property in a good quiet residential location. The landlords provided a number of sets of listings for one bedroom flats in the EH10 postcode ranging in price from £500 per calendar month to £600 per calendar month.

The Committee considered all the evidence relating to current market rent submitted by both landlords and tenant. The Committee considered

that the rent for a one bedroom, spacious, well decorated, furnished flat in an attractive street in Morningside would be at the upper end of the rental spectrum. The Committee were of the view that the market rent for a property falling within this description could fairly be set at £575 per month. The Committee were of the view however that the Property in question was not in the best condition. The kitchen was very small and was in poor condition. The bathroom was narrow and unattractive and would also require modernisation in order to achieve a rental of £575 per month. Generally the Property would also benefit from redecoration. The Committee considered that these factors would limit the rental that would be achievable for the Property on the open market in its current condition. The Committee were of the view that a current market rent of £510 per month would be appropriate, thereby giving any annual rent of £6,120 (by way of explanation, the Committee were of the view that the landlords would require to spend circa £8,000 to bring the Property up to standard to achieve the higher rental of £575. Rentalising this at 10% would give a figure of £800 per annum and a monthly figure of just over £65. When deducting this from the figure of £575 per month, this gave a current market rent of £510 per calendar month which coincided with the Committee's view).

No services are provided by the landlords.

The Committee decided that the rent would be varied with effect from 30 October 2009.

Signed: E Miller (Chairman)

Date: 9/11/09