

RENT ASSESSMENT PANEL FOR SCOTLAND

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

REFERENCE NO.

RAC/G83/A31

APPLICATION RECEIVED

4 August 2005

ADDRESS OF PREMISES

2 Forestry Cottages, Succoth, Arrochar, G83 7AW

TENANT

Mr M Johnstone

LANDLORD

Northumberland & Durham Property Trust Ltd.
City Gate, St James Boulevard
Newcastle, NE1 4JE

AGENT

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

RENTAL PERIOD

Monthly

DATE TENANCY COMMENCED

DESCRIPTION OF PREMISES

Semi-detached post war house comprising living room, kitchen, 3 bedrooms and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS**CHAIRMAN**

Mr R Handley LLB

PROFESSIONAL MEMBER

Mr R Buchan BSc FRICS

LAYMEMBER

Mr A McKay

PRESENT RENT

£ 183.00 p.c.m.

RENT DETERMINED BY RAC £ 3,500.00 per annum

DATE CONSIDERED

11 October 2005

DATE DETERMINATION TAKES EFFECT

28 February 2006

R Handley

Chairman of Rent Assessment Committee

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Date

24/11/2005

RENT ASSESSMENT COMMITTEE

HELD ON: 11 OCTOBER 2005

PROPERTY: 2 FORESTRY COTTAGES, SUCCOTH

STATEMENT OF REASONS

Introduction

This is an application by Mr M Johnstone (the Tenant) to the Rent Assessment Committee for the determination of a rent under the Housing (Scotland) Act 1988 ("the Act"). The Landlord is Northumberland & Durham Property Trust Ltd, Citygate St James Boulevard, Newcastle upon Tyne. The original rent paid by the Tenant was £2,196.00 per annum. The Landlord applied for a rent of £3,150.00 per annum.

The Tenant requested a Hearing. The Landlord advised that he would not be attending the Hearing but wished to send written representations.

The Tenant attended the inspection. The Landlord did not attend (and was not represented).

The Documentation

The Committee had the following documents before it: the AT4 Application, a Notice to Quit Form, the Tenant's written representation and the Landlord's written representations.

The Inspection

Mr Robert Shea, Clerk to the Rent Assessment Committee, introduced the Committee to the Tenant and his wife. The Tenant was present throughout the course of the inspection.

The Dwelling house

The property, 2 Forestry Cottages ("the dwellinghouse"), is a semi detached two storey property situated in the village of Succoth (close to Arrochar) on a minor road. It is located in a small development with a number of similar properties. The dwellinghouse has a kitchen, living room, bathroom and three bedrooms (one on the ground floor).

The dwellinghouse was built around 1950. The external walls are timber and have been partially clad with mock stone. The roof is concrete tiled (the tiles appear to be originals). The Tenant advised that there was some water ingress through the dormer window of the bedroom which overlooks the front garden.

There is a well kept garden to the front, side and rear of the dwellinghouse. There is a parking area to the rear of the dwellinghouse.

The kitchen

The tenant converted a storeroom into a kitchen and this is entered through an external door from the back garden. The kitchen contains units, a sink and an electric cooker. There are adequate electrical points.

A door from the kitchen leads to the living room.

The living room

Within the living room is a small dining area which previously served as the kitchen. A window in the living room overlooks the rear garden. The living room has adequate electrical points and is heated by coal/electric fires. The Tenant drew the Committee's attention to cracked and missing tiles in the fireplace.

A door from the living room leads to the hall.

The bathroom

The bathroom contains a bath, a WC, a wash hand basin and a shower. The Tenant advised the Committee that tiles in the shower had come off the wall as a consequence of dampness.

The electrical fuse box is located in a cupboard in the hall.

The main bedroom

A double bedroom is located on the ground floor of the dwellinghouse. The Tenant advised that he had problems with dampness within this bedroom.

The bedrooms

A stair from the hall leads to two further bedrooms. The Tenant advised that one of the electrical plugs in a bedroom overheated.

The Hearing

As already stated the Landlord intimated that he did not wish to attend the Hearing. The Tenant drew the attention of the Committee to the various improvements he had effected. He also drew attention to the faults and problems he had experienced. These included dampness, ineffective double glazing and an inadequate heating system.

Decisions and Reasons

In determining a rent the Committee took full account of the documents previously referred to.

In his written submissions the appellant stated the following:

"There are many repairs needing done to the property which at the moment are not being done. The house is not wind or water tight. The heating in the house is poor. I have a coal fire with background heating downstairs which works off the back boiler to the fire. The fire is cracking and tiles are falling off and the heating does not work properly. I feel I am facing another winter of freezing and being ignored by my landlord. Many of these repairs needed done before Northumberland and Durham bought the property."

The landlord stated the following in his written submissions:

"(The landlord) has only just taken ownership of these properties and ourselves (Redpath Bruce) act as their agent in Scotland. The correspondence received from the previous landlord stated that the present (rent) of £2,200 had not been increased since 1996. We had no idea what arrangement was in place with the previous landlord and their tenants."

Upon inspection at the property by the landlord and Redpath Bruce, we noted that the properties are in general of a sound nature, and in noting so, we have attempted to increase the rent due to the time lapsed."

Please note that our client has many ex-forestry cottages throughout Scotland and rent is set at £3,150 which we feel is fair. We understand that the tenants are not happy with this increase, however their arrangement with the previous landlord is something that we have no obligation to.

We trust this application to be fair and look forward to receiving the notice of the new fair rent in due course."

The Committee concluded that the dwellinghouse appears to have been neglected to a certain extent and would benefit from general upgrading. It is in need of modernisation. There was some evidence of internal dampness. The Committee noted that many of the PVC double glazed windows were ill-fitting. The glass in the front door was cracked. There was no central heating. The Committee observed evidence of deterioration of the external timber. Moreover the partial cladding was likely to result in further deterioration of the timber as a consequence of water ingress and retention. There was some evidence of lack of repairs externally. The roof would benefit from routine maintenance.

Although serviceable, the electrical wiring system is dated.

All the furniture within the dwellinghouse belonged to the Tenant. No services were provided by the Landlord.

The Committee considered the question of what a reasonable open market rent for a similar dwellinghouse in this area would be (in terms of section 25). Neither party had submitted comparables. The Committee was aware that the dwellinghouse was located within a National Park and consequently it was in an area which was increasingly popular. There was a high demand for housing in the National Park and this had inflated prices. There had been a significant increase in house prices. The Committee considered that the open market rent for a property which was fully improved with a bath, shower, central heating, effective double glazing and in a good state of repair would be in the region of £5,000 per year.

However given the actual condition of the dwellinghouse and the lack of central heating, the open market rent for this particular property would be much lower. The Committee considered that it would be at least 30% lower.

The Committee had regard to all the circumstances (including those required to be taken into account in terms of section 25 of the Act), and

applying its own knowledge and experience and having considered information provided by Property Departments in Solicitors' Offices in Helensburgh (which let properties in the area), the Committee decided that the rent which might reasonably be expected for the dwellinghouse in the open market would be £3,500 per year.

The Committee decided that the increase in rent should take effect from 28 February 2006, the date indicated in the AT2 Form which had been served on the Tenant.

.....**R Handley**..... Chairman

.....14 NOVEMBER 2005..... Date