

## RENT ASSESSMENT PANEL FOR SCOTLAND

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

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**REFERENCE NO.**

RAC/G31/A34

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**APPLICATION RECEIVED**

7 November 2005

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**ADDRESS OF PREMISES**

1/1, 494 Alexandra Parade, Dennistoun, Glasgow G31 3BQ

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**TENANT**

Mrs P Reilly

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**LANDLORD/AGENT**

Gauld Properties, 22 Milnpark Street, Glasgow G41 1BB

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**RENTAL PERIOD**

Quarterly

**DATE TENANCY COMMENCED**

1 May 1999

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**DESCRIPTION OF PREMISES**

1st Floor tenement flat situated over commercial property within a 4-storey red sandstone and slate building with no rear access to back court C.1900. Comprising 2 rooms, dining kitchen with scullery, and bathroom.

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**SERVICES PROVIDED**

None

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**COMMITTEE MEMBERS****CHAIRMAN**

Mrs J Grant-Hutchison LLB Dip ICEI NP

**PROFESSIONAL MEMBER**

Mr A English FRICS

**LAYMEMBER**

Mr C Harvey

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**PRESENT RENT**

£ 2,400.00

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**RENT DETERMINED BY RAC**

£ 4,800.00

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**DATE CONSIDERED**

30 January 2006

**DATE DETERMINATION TAKES EFFECT**

1 May 2006

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**J Grant-Hutchison**

Chairman of Rent Assessment Committee

30.1.06

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Date

## **RENT ASSESSMENT COMMITTEE**

Held on: Monday, 30 January, 2006

Property: The first floor right flatted dwellinghouse (Flat 1/R) at 494 Alexandra Parade, Glasgow G31 3BQ (hereinafter referred to as "the dwellinghouse")

### **STATEMENT OF REASONS**

#### **Introduction**

This is an application to the Rent Assessment Committee for the determination of rent under the Rent (Scotland) Act 1988 on behalf of the Tenant of the dwellinghouse, Mrs. Phyllis Reilly. The Landlords are Gauld Properties Limited, having a place of business at 22 Milnpark Street, Glasgow G41 1BB. The Tenant of the dwellinghouse had been paying rent at the rate of £2,400.00 per annum. The Landlords have proposed an increase in rent to a figure of £4,980.00 per annum. The reference arises from the dissatisfaction expressed on the part of the Tenant.

#### **The Dwellinghouse**

The Committee inspected the Dwellinghouse on the morning of 30 January, 2006.

##### **(i) The Exterior:**

The dwellinghouse is the first floor right flatted dwellinghouse in a four storey tenement which was built circa 1900. The building is of red sandstone and has not been renovated or stone cleaned. The roof is slated. The gutters and downpipes were in reasonable condition. The windows are single glazed sash and case. There is a door entry system. There is no access by any flats within the tenement building to the back court area. There is only access through the main entry door to the street. There are no factoring services or service charge. Lighting in the stairway is supplied by the Local Authority. There is on street parking. The locality is residential. There are good travel and shopping facilities.

##### **(ii) The Interior:**

The dwellinghouse comprises a lounge, a double bedroom, dining kitchen with scullery and bathroom. There is no central heating. Hot water is provided by an immerser. The wiring is not modern but is in fair order superficially. On inspection the centre left window in the lounge and left hand window in the double bedroom could open. The windows in the bathroom and kitchen were not tested. The dwellinghouse was well decorated and maintained internally by the Tenant. The Tenant allowed the Committee an inspection of the dwellinghouse. Neither the Landlord nor any representative were in attendance.

#### **The Documentation**

1. A copy of the form AT4 application dated 26 October, 2005
2. A copy of a letter dated 2 November, 2005 from the Landlords to the Tenant enclosing a copy of the Form A2.

3. A copy of a letter from the Landlords' solicitors dated 31 October, 2005 enclosing a Notice to Quit addressed to the Tenant.
4. A copy of the Tenancy Agreement dated 27 April, 1999.
5. A copy of letters by the Landlords dated 21 December, 2004, 14 January, 2005 and 3 March, 2005 addressed to the Tenant.
6. A copy of the letter from the Tenant to the Landlords dated 5 March, 2005.
7. A copy of letters dated 30 March, 2005, 5 April, 2005 and 30 September, 2005 by the Landlords addressed to the Tenant.
8. A copy of a letter from Shelter Housing Aid Centre on behalf of the Tenant to the Landlords dated 14 April, 2005.
9. A copy of a letter from the Landlords to the Tenant re the response to the letter from Shelter Housing Aid Centre dated 20 April, 2005.
10. A copy of a form of attendance to a Hearing from the Landlords dated 15 November, 2005.
11. A copy of a letter from the Landlords to the Rent Assessment Committee dated 15 November, 2005.
12. A copy of a form of attendance to a Hearing from the Tenant dated 9 November, 2005.
13. A copy of handwritten notes by the Tenant (undated)

### **The Hearing**

The Hearing took place at the Rent Assessment Committee's Offices at 140 West Campbell Street, Glasgow G2 4TZ.

The Landlords were not in attendance. The Tenant was in attendance and represented herself.

The Tenant's position can be summarised as follows:-

a. The Tenant had moved into the dwellinghouse in 1999 on the informal understanding that she would pay a low rent in return for her carrying out redecoration works which included replacing a two bar heater with a free standing gas fire and installing work tops in the dining kitchen. The Tenant took up the tenancy in April, 1999 and had the work completed by the beginning of June, 1999.

b. The Tenant was willing to pay rent of £200 per month. She felt that this level of rent was fair and what she could afford. She could not give any comparisons of rent payable in the vicinity nor did she know of any other tenants who had the same Landlords, other than those living in the same building. She informed the Committee that the tenants paying the rent of £430 per month for the flat on the second floor right in the same building had had their dwellinghouse renovated and that central heating had been installed. She knew that the flat situated on the third floor right was in poor condition but was being renovated. She did not know if central heating was being installed in that flat.

c. The Tenant stated she was happy and comfortable in the dwellinghouse but did not wish the rent to go up and up year by year.

### **The Decision**

The Committee decided that the sum of £4,800 per annum was a fair rent for the dwellinghouse. The Committee's decision takes effect from 1 May, 2006.

The Committee's powers and duties are set out in Section 25 of the Housing (Scotland) Act 1988. The Committee looked at (i) a range of rentals for similar properties in the immediate vicinity and (ii) the market value for similar properties in the immediate area.

The Committee came to the view from their findings that the immediate vicinity was fairly vibrant with properties to let and purchase. The Committee agreed with the representations put forward by the Landlords for the amount of rent which could be reasonably and realistically obtained for similar properties in the immediate vicinity. In particular the Committee noted the rent of £5,160 per annum that has been achieved by the Landlords in respect of Flat 2/R in the building. The Landlords had put forward a figure of £4,980 per annum as being a fair market rent for similar properties in the area and the Committee, taking into account the fact that there was no central heating in the dwellinghouse, came to the view that £4,800 per annum was reasonable.

The fact that there was no access to the back court area and that several of the windows were difficult for the Tenant to open were taken into consideration but did not have any influence on the Committee's decision. There was no impact on the Tenant to her peaceful enjoyment of the dwellinghouse.

In reaching the Decision the Committee had full regard to the statutory requirements of the Act in coming to their decision.

Chairman

**J Grant-Hutchison**

Date .....3.2.06.....