

RENT ASSESSMENT PANEL FOR SCOTLAND

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

REFERENCE NO.
RAC/IV40/A37

APPLICATION RECEIVED
8 September 2006

ADDRESS OF PREMISES
2 Forestry Holding, Ratagan, Glenshiel, IV40 8HP

TENANT
Mr D Barron

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
28 June 2000

DESCRIPTION OF PREMISES

Semi-detached brick built bungalow with solid fuel central heating and double glazing comprising living room, 3 bedrooms, kitchen and bathroom.

SERVICES PROVIDED
None

COMMITTEE MEMBERS

CHAIRMAN	Mrs J Lea LLB MBA MSc
PROFESSIONAL MEMBER	Mr R Buchan BSc FRICS
LAYMEMBER	Mr A McKay

PRESENT RENT	£ 2149.92 per annum
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RENT DETERMINED BY RAC	£ 2000.00 per annum
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DATE CONSIDERED
10 November 2006

DATE DETERMINATION TAKES EFFECT
28 February 2007

J Lea

Chairman of Rent Assessment Committee

RENT ASSESSMENT COMMITTEE

STATEMENT OF REASONS

2 Forestry Holding, Ratagan, Glenshiel

10 November 2005

This is an application by the tenant for a determination of the rent payable under Section 24 of the Housing (Scotland) Act 1988. The landlord is Northumberland and Durham Property Trust Limited. The tenant is Mr D Barron.

The tenancy is an assured tenancy. On 21 August 2006 the landlord served on the tenant an A2 Notice under Section 24 of the Housing (Scotland) Act 1988 seeking an increase in rental to £2,550 per annum. The Rent Assessment Committee received form AT4 application by the tenant for determination of rent by the Rent Assessment Committee under Section 24(3) of the said Act.

Inspection

The Committee inspected the property on 10 November 2006. The tenant, Mr D Barron, was present. The landlord was not present or represented.

Hearing

There was no hearing as neither party asked for one.

Description

The property is a semi-detached bungalow built circa 1930 of traditional cavity brick under a pitched and slated roof. A flat roofed extension has been added at the side. The accommodation comprises porch, entrance hall, living room, kitchen, bathroom and three bedrooms. The property has double glazing and solid fuel central heating. The tenant installed all the units in the kitchen apart from the sink unit. There is a wood burning stove in the living room which powers the central heating and the hot water. The property has a large mature front and back garden together with a dilapidated wooden garage. Ratagan is located in a remote area on the shores of Loch Duich within an area of great landscape value and there are beautiful views from the property over the loch. There are very few local amenities.

Condition

There is extensive damp in the property. The kitchen has a leaking roof and crumbling plaster. There is damp in the hall and two of the bedrooms. The bedroom in the flat roof extension suffers from damp coming through the roof and there are mouldy patches on the ceiling. The porch has new timber cladding and a new front door. The woodwork inside the porch has been poorly finished. Rendering has been repaired to the outside wall of one of the bedrooms but there was still damp evident in this bedroom. One of the chimneys has been replaced by the landlords to cure a previous damp problem. The wiring in the property is dated. The units in the bathroom are

basic. The gutters and downpipes at the property are in a state of disrepair. The property is in a poor state of decoration.

Documentation

The Committee had before it the following documentation.

1. Form AT4 completed by the tenant.
2. Form AT2 completed by the landlord.
3. Tenancy lease agreement
4. Written representations from the tenant dated 1 September 2006.
5. Written representations from the landlord dated 27 September 2006 together with a list of comparables provided by the landlord.

Decision

The Committee found the list of comparables provided by the landlords to be useful although unfortunately the list did not detail the accommodation and the size of each of the properties. The Committee considered that the property at 8 Forestry Houses, Ratagan was the most comparable, it being just along the road from the property under consideration. This property had a rent assessed by the Rent Assessment Committee in 2005 of £2,300 per annum. The property is of similar size but is timber built with no central heating or double glazing. The property at 8 Forestry Houses however is in much better condition with no damp problems. The Committee also considered the comparable at 15 Forestry Houses, North Laggan, which has a rent of £2550. This property is an area which is much less remote. In the circumstances, taking into account the landlords list of comparables and the Committee's own knowledge and experience, the Committee considered that the market rent for a property such as this in good condition would be £2,500 per annum. The Committee however consider that this figure requires to be substantially reduced to take account of the fact that the property has been neglected, suffers extensively from damp and is accordingly barely habitable. The old wiring taken together with the damp problems could be potentially dangerous. The dampness and mould present in the property are not conducive to the tenant's enjoyment of the property. The Committee noted that the landlords had replaced the chimney stack some time ago and have taken some steps since the last Rent Assessment Committee in 2003 by doing some patching up of the rendering and renewing the outside of the porch but the property is still in an unsatisfactory condition. The property also has very basic kitchen and bathroom units. Given the state of the property the Committee considered that the market rent of £2,500 per annum would require to be reduced by £500 giving a rent of £2,000 per annum.

J Lea

7/12/06