



**PRIVATE RENTED HOUSING PANEL**

**HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)**

**Register Of Rents Determined Under Statutory Assured Tenancies**

**REFERENCE NO.**

RAC/AB54/A54

**APPLICATION RECEIVED**

1 August 2008

**ADDRESS OF PREMISES**

2 Boghead Cottage, Cobairdy, Huntly, AB54 7YE

**TENANT**

Mr A Watt

**NAME AND ADDRESS OF LANDLORD**

Mr I Taylor

**AGENT**

Stewart & Watson Solicitor  
17-19 Duke Street  
Huntly  
AB54 8DL

**RENTAL PERIOD**

Yearly

**DATE TENANCY COMMENCED**

1994

**DESCRIPTION OF PREMISES**

Detached stonebuilt cottage with large garden area in rural setting circa 1900 with double glazing comprising three rooms, kitchen and shower room.

**SERVICES PROVIDED**

None

**COMMITTEE MEMBERS**

**CHAIRMAN**  
**SURVEYOR MEMBER**  
**HOUSING MEMBER**

Mrs A McCamley BA LLB NP  
Mr C Hepburn ARICS  
Mr A McKay

**PRESENT RENT**

£ 3000.00

**RENT DETERMINED**

£ 5700.00

**DATE CONSIDERED**

28 October 2008

**DATE DETERMINATION TAKES EFFECT**

28 October 2008

**A McCamley**

Chairman of Private Rented Housing Committee

31/x/08  
Date

## Private Rented Housing Panel

### Statement of Reasons

#### 2 Boghead Cottage Cobairdy Huntly

#### Introduction

This is an application to the Private Rented Housing Committee under the provisions of section 25(1) of the Housing (Scotland) Act 1988 in relation to an Assured Tenancy; following service, on 8<sup>th</sup> August 2008, of a notice of an increase in rent. The Landlord is Mr Ivor Taylor and the tenant is Mr Alan Watt. The rent payable by the tenant had been £250 per month, i.e. £3000 per annum and in terms of the notice the, the landlord proposed to charge a rent of £550 per month, i.e. £6600 per annum with effect from 8<sup>th</sup> August 2008.

#### Inspection

On the 28<sup>th</sup> of October 2008 the Committee inspected the dwelling house. The tenant was present throughout and the landlord was represented by his wife and solicitor.

The dwelling house is a detached stone built cottage comprising 3 rooms kitchen and shower room. There is coal fire in the main room, other rooms are heated by way of freestanding electric space heaters. The property is double glazed. The electrics are modern and there is an adequate number of power points in each room. The shower room is very compact. Some dampness was evident in the main room, smaller bedroom and hallway.

The house has the benefit of a large area of garden ground with outbuildings. It is situated at the end of a publicly maintained road but is entirely secluded enjoying a high degree of privacy.

While the house is in a rural location (it is a farm cottage) and may be isolated in the winter months it is approximately 10 minutes by car from the town of Huntly, which town boasts most modern amenities and is considered a desirable location in which to live.

## Documentation

The Committee considered the whole written evidence together with the Statutory forms .

## The Hearing

The matter was set down for a Hearing within the dwelling house at the conclusion of the Inspection.

The tenant advised he had increased the rent voluntarily by £50 per month on receipt of the notice of increase from the landlord. He explained he had rebuilt the front porch and replaced the shower during the course of his tenancy which commenced in the mid 1990s. He pointed out the areas of damp within the property. Mr Watt told us he considered the increase in rent sought by the landlord to be excessive given that he had personal knowledge of a 3 bed roomed centrally heated cottage in another village 6 miles away, which let for £175 per month.

The landlord's solicitor explained the Landlord had not been invited into the cottage until the day of the Committee inspection and accordingly could not comment on the current state of internal repair. The Landlord had carried out some external repairs to the roof in the recent past . The Committee was shown letting particulars for 2 properties in and around the area which were on the market for a monthly rental in the region of £700 per month.

## Reasons

The Committee has taken into account all that was set down by the parties in their written submissions and the further oral submissions at the Hearing.

We accept the tenant has kept the dwelling good decorative order , installed a shower , and rebuilt the porch (we note the tenant carried out the work to the porch without authority from the landlord). The property is not centrally heated and does have evidence of dampness.

In terms of section 25(1) the Committee is required to have regard to the rent at which the house might reasonably be expected to be let in the open market by a willing landlord under an Assured Tenancy. The Committee did not find the Letting Advertisements produced by the landlord's agent to be particularly helpful. One of the properties is a 'new build' and the other is in the middle of Huntly town. We do not think these are sufficiently comparable to be of

assistance to us.

We took advice from our own professional member, perused the local newspaper advertisements , the solicitors property centre, and searched internet sites to find comparable properties for let. From our research we found four apartment properties letting at £600 -£650 per month. Three apartment cottages in rural locations appear to command rents between £450 - £550 per month. We noted the more expensive rentals (being those between £500 - £550) had central heating , some were partly furnished, most had dining kitchens and all had bathrooms. The subject property has a small kitchen , compact shower room and no central heating therefore we did not feel it would achieve the higher end of rental figure.

On the basis of the Committee's own knowledge, being guided by our professional member, and having considered carefully the details of over 50 properties ( in the Huntly and Turriff area ) which were let during the course of the year we are of the opinion that an annual rent of £5700 (£475p/m) is one which the Landlord might reasonably expect to achieve in the current marketplace. The Committee has accordingly determined that figure as the rent payable by the tenant with effect from the 28<sup>th</sup> October 2008.

# A McCamley

.....Chairman