



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

RAC/KY12/A55

APPLICATION RECEIVED

23 September 2008

ADDRESS OF PREMISES

Stables Cottage, Abbey House, Culross, Fife, KY12 8JB

TENANT

Mr R Mercer

NAME AND ADDRESS OF LANDLORD

Earl of Elgin & Kincardine

AGENT

Davidson & Robertson Rural
Riccarton Mains
Currie
EH14 4AR

RENTAL PERIOD

Yearly

DATE TENANCY COMMENCED

1 October 1989

DESCRIPTION OF PREMISES

The cottage is a large detached dwelling set in substantial parkland and garden ground. Internally the cottage comprises large dining kitchen, sitting room, double bedroom and bathroom with shower on the first floor and downstairs, a second bedroom with en suite w.c.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
PROFESSIONAL MEMBER
LAYMEMBER

A McCamley BA LLP NP
D Godfrey ARICS
A McKay

PRESENT RENT

£ 3,264.00

RENT DETERMINED

£ 4,800.00

DATE CONSIDERED

6 March 2009

DATE DETERMINATION TAKES EFFECT

1 February 2009

A McCamley

Chairman of Private Rented Housing Committee

Date

6/3/09

Private Rented Housing Committee

Statement of Reasons

Stables Cottage , Abbey House , Culross , Fife , (the cottage)

Introduction

This is an application to a 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 of a notice of increase in rent dated 22/7/08. The landlord is The Earl of Elgin and Kincardine and the tenant is Mr Robert Mercer. The rent payable by the tenant had been £272 per month ie £3264 per annum and in terms of the said notice , the landlord proposed to charge a rent of £400 per month ie £4800 per annum with effect from 01/02/09.

Inspection

On 6th March 2009 the Committee inspected the cottage. The tenant was present. The landlord was represented throughout the inspection and subsequent hearing by Edward Dunbar assistant factor and landlord's agent.

The cottage is a large detached dwelling set in substantial parkland and garden ground; it forms part of the Landlord's Broomhall Estate. The cottage is situated outside the historic village of Culross which has a Post Office and shop, a hotel with public bar , a primary school and a regular bus service to Dunfermline and Kincardine. The cottage has a rural location but has easy access to village facilities as well as good road and transport links to larger towns and cities.

This is an unusual property reflecting it's past purpose as a stable cottage. Internally the cottage comprises large dining kitchen, sitting room , double bedroom and bathroom with shower on the first floor and downstairs , a

second bedroom with en suite w.c. which is currently used as a utility room. Also downstairs is an area of very substantial indoor stabling (four stalls) which is currently used for storage. The cottage requires some redecoration and updating . The storage heating is a recent addition to the cottage and the whole property has been newly rewired. The landlord appears to be undertaking some repair and improvement work as part of a Mediated Agreement between the parties.

The garden is approximately one third of an acre and features include an area of walled garden, a garage, and ruined stone outbuildings .

Access to the cottage is through the road in the parkland associated with Abbey House and the road is not tarmaced beyond the House although there is a dirt track suitable for most vehicles leading to the cottage.

Documentation

The Committee considered the whole documentary evidence contained within the Committee papers including the written representations of both parties.

The Hearing

A Hearing took place after the inspection within the community centre at High Valleyfield. Both parties attended the Hearing and made submissions to the Committee.

Mr Mercer told Committee he had been a tenant at the cottage for about 20 years however since there had been a change of occupant at Abbey House he felt he was being harried. He took the view the proposed rent was too high since he had been a tenant for such a long period and should be entitled to some credit for the longstanding nature of his tenancy. Further any increase in rent will cause him financial hardship and he may lose his home. Mr Mercer was unaware of the level of any other rents either on the Estate or in Culross itself.

On behalf of the landlord, Mr Dunbar explained the cottage was being repaired and improved in line with the Estate programme except insofar as there were specific urgent matters requiring attention or any other matters which formed part of the mediated repair agreement.

Mr Dunbar told us the rent of the cottage had not increased since 2003 and now fell behind the level which could be achieved on the open market. Mr Dunbar drew our attention to six other properties on the Estate which had newly let or undergone a rent review over the past 3 months. It appeared 2 bedroom estate cottages commanded rents from £438 to £500 per month .

The Decision

The Committee determines that the rent sought by the Landlord, namely £400 per month (£4800 per annum) , is a rent which the Landlord might reasonably expect to achieve and accordingly that is the rent payable by the tenant with effect from 1st February 2009.

The Reasons

The Committee has taken account of all that was set down by parties in their written submissions and their further submissions at the hearing. The Committee also took account of the comments and observations of all parties during the course of the inspection .

The Committee notes there is a mediated agreement as regards various repairs and improvements to the cottage.

In terms of section 25(1) the Committee is required to have regard to the rent at which the cottage might reasonably be expected to be let in the open market by a willing landlord under an Assured tenancy. The Committee found the information provided by the landlord in respect of recent lets of similar estate properties to be particularly helpful. Unusual properties such as Stables Cottage may

be difficult for the Committee to assess however the Committee was greatly assisted in its deliberations by the knowledge of the rents achieved by other unusual properties on the Estate . We noted in particular that Culross East Lodge , a two bed roomed cottage on the same part of the estate as Stables Cottage , achieved a rent of £450 per month with effect from December 2008. Two other cottages closer to Charlestown rented out for £450 and £442 per month.

While we accept Stables Cottage requires some improvement works, we are satisfied ,on the basis of the aforementioned comparators, that the Landlord would easily achieve a rental of £400 per month for Stables Cottage in its present condition and accordingly we determine that as the rental figure with effect from 1st February 2009 .

A McCamley



..... Chairman