



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

RAC/G52/A66

APPLICATION RECEIVED

9 April 2010

ADDRESS OF PREMISES

52 Innerwick Drive, Hillington, Glasgow, G52 2HG

TENANT

Mr B Jack

NAME AND ADDRESS OF LANDLORD

Gauld Properties Ltd.
22 Milnpark Street
Glasgow
G41 1BB

AGENT

RENTAL PERIOD

Monthly

DATE TENANCY COMMENCED

September 2004

DESCRIPTION OF PREMISES

Upper cottage flat within two storey block of four flats circa 1930 with gas central heating and partial double glazing comprising four rooms, kitchenette and bathroom with relative garden ground.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
PROFESSIONAL MEMBER
Housing MEMBER

Mrs J Taylor LLB Dip LP NP
Mr M Links FRICS
Mr C Harvey MA

PRESENT RENT

£ 5040.00

RENT DETERMINED

£ 5200.00

DATE CONSIDERED

14 June 2010

DATE DETERMINATION TAKES EFFECT

8 October 2010

J Taylor

Chairman of Private Rented Housing Committee

21/6/2010

Date

STATEMENT OF REASONS

in connection with

INSPECTION HELD ON 14th June 2010

in respect of the property

52 Innerwick Drive, Hillington, Glasgow.

1. THE PARTIES

The landlords are Gauld Properties Limited. The tenant is Benjamin Jack.

2. BACK GROUND

The tenant became a statutory assured tenant of the property, following the death of his father in 2004. He has resided in the property for 54 years. The tenant is currently paying rent of £5040 per annum (£420 per month). The landlords applied for an increase in the rent when they served the tenant with a notice of increase of rent on form AT2, dated 5th April 2010.

3. JURISDICTION

In terms of section 24(2) of the Housing (Scotland) Act 1988, the landlord requires to serve the tenant with a correctly completed form AT2, giving at least six months notice of an increase in rent. The landlords had correctly served the tenant with a notice of rent increase on form AT2. As stated, the form was dated 5th April 2010 and it advised that the new rent of £5700 per annum would take effect from 6th October 2010. Accordingly the committee were satisfied that they had jurisdiction to hear the application.

4. THE INSPECTION

The committee inspected the property, which is a traditional style upper floor cottage flat in the Hillington area of Glasgow. The accommodation comprises one public room, three bed rooms, kitchen and bathroom.

The roof of the property had been laid with asbestos tiles. There was a mixture of single and double glazed windows throughout the property.

The tenant's father had installed central heating in the property a number of years ago with the benefit of the Scottish Executive grant scheme.

The surveyor member of the committee used a damp meter to test the presence of damp in the kitchen and main bedroom. No damp was detected. The committee concluded that the mould and peeling wall paper in these rooms was due to condensation.

There is a good sized garden to the side and at the rear of the property and the property is well located for local amenities and public transport.

5. THE HEARING

No Hearing was requested.

6. THE DECISION

The committee had the following documents before them:-

- A copy of the letter from the landlords to the tenant dated 24th September 2004 acknowledging that Mr Jack wished to take over the lease of the property, following the death of his father he will be a statutory assured tenant and the rent would be £400 per month.
- A copy of form AT2 advising that the rent would be increased to £5700 from 6th October 2010.
- A copy of form AT4 completed by the tenant, requesting a determination of the rent, and requesting that the following matters of disrepair be taken into account in assessing the rent:
'Kitchen units need to be upgraded; signs of dampness in the kitchen; signs of dampness in bedroom; broken seals around some of the windows and no double glazing in three rooms.
- A copy of the letter from the landlords advising that they were enclosing two pages of a lease showing rental income of £500 per month for an identical flat in the same location.

The committee considered these documents.

Separately the committee had obtained details of a number of other similar sized properties available to lease in the area, from news paper advertisements and the internet. The rents of these properties ranged from £490 to £575 per month. These properties had been modernised and were provided with appliances, carpets and curtains and the properties at the higher end of the range were also furnished.

The committee considered this evidence and decided that the market rent of properties comparable to 52, Innerwick Drive, Glasgow was £525 per month (£6300 per annum). The committee acknowledged that an adjustment was required to reflect the fact that the property (52, Innerwick Drive) was unfurnished with partial double and no decoration, appliances or floor coverings were supplied by the Landlords. Also the property had a dated bathroom and kitchen and a reasonably dated wiring system. They considered that a deduction of £1100 per annum was reasonable to reflect these differences.

In view of the foregoing, the committee decided that the open market rent for the property was £5200 per annum.

No services are provided by the landlord.

In reaching this decision the committee have had regard to all the considerations required to be taken into account in terms of Section 25 of the Housing (Scotland) Act 1988.

The committee decided that the rent of £5200 per annum should take effect from 8th October 2010, the date indicated in the landlord's AT2 form which had been served on the tenant.

J Taylor

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Chairperson, 21st June 2010