



**PRIVATE RENTED HOUSING PANEL**

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

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

**REFERENCE NO.**

RAC/DD1/A70

**APPLICATION RECEIVED**

3 September 2010

**ADDRESS OF PREMISES**

R/2/1, 48 union Street, Dundee, DD1 4BE

**TENANT**

Mr D Burns

**NAME AND ADDRESS OF LANDLORD**

Kusum International

**AGENT**

Lickley Proctor Lettings  
58 Bell Street  
Dundee  
DD1 1HF

**RENTAL PERIOD**

Monthly

**DATE TENANCY COMMENCED**

March 1999

**DESCRIPTION OF PREMISES**

Second floor tenement flat above commercial property circa 1900, dated internally and comprising three rooms, living kitchen and bathroom.

Gross internal floor area = 54 square metres.

**SERVICES PROVIDED**

None

**COMMITTEE MEMBERS**

CHAIRMAN  
PROFESSIONAL MEMBER  
LAYMEMBER

Mr E Miller LLB(Hons) Dip. LP NP  
Mr D Godfrey ARICS  
Mr A McKay

**PRESENT RENT**

£ 4230.00 p.a.

**RENT DETERMINED**

£ 4230.00 p.a.

**DATE CONSIDERED**

5 November 2010

**DATE DETERMINATION TAKES EFFECT**

28 February 2011

**E Miller**

Chairman of Private Rented Housing Committee

Date

22/11/2010



Statement of the Decision  
of the Private Rented Housing Committee  
under Section 25 of the Housing (Scotland) Act 1988

PRHP Ref: RAC/DD1/A/A70

Re: Property at R/2/1, 48 Union Street, Dundee ("the Property")

The Parties:

Mr David Burns residing at 48 Union Street, Dundee ("the Tenant")

Kusum International Limited having their Registered Office at Ummed Villa, Birch Lane, Purley, Surrey represented by their agent Lickley Proctor Lettings, 58 Bell Street, Dundee ("the Landlord")

### **Background**

This is an application by the Tenant for a determination of rent payable under Section 24 of the Housing (Scotland) Act 1988.

The tenancy is an assured tenancy. On 13<sup>th</sup> August 2010 the Landlord served on the Tenant an AT2 Notice under Section 24 of the Housing (Scotland) Act 1988, seeking an increase in rental to £5,000 per annum. By way of form AT4, the Tenant referred the matter to the Private Rented Housing Committee for a determination of rent under Section 24(3) of the said Act.

### **Inspection**

The Committee, comprising Mr E K Miller (Chairman and Legal Member), Mr D Godfrey (Surveyor Member) and Mr A McKay (Housing Member) carried out an inspection of the Property on 5<sup>th</sup> November 2010 accompanied by the Clerk, Mr Robert Shea. The Tenant was present throughout the inspection. The Landlord was not present and neither were their agents.

### **Hearing**

There was no Hearing as neither party had requested one.

### **Description**

The Property comprises a second floor flat with an approximate internal floor area of 54 square metres. The Property is within a traditional tenement property in the City Centre with retail property on the ground floor. The Property itself comprises a good sized lounge, a bedroom and a second bedroom/box room which is currently used for storage. There is an exceptionally small bathroom and a kitchen. The bathroom and kitchen are extremely dated. The wash-hand basin has a waste pipe which discharges into the bath. The bath is in extremely poor condition and the enamel has worn through. The kitchen is basic. There is a sink and a couple of units in the kitchen which were installed by the Tenant. There is no heating within the Property apart from electric heaters provided by the Tenant. The Tenant has also replaced, in the past, the hot water tank and

put in an immersion heater. The flat, although in a sought after central area of Dundee, would be, in the opinion of the Committee, very difficult to let in its current condition, and even more so if the Tenant's improvements were removed.

### **Documentation**

The Committee had the following documentation before them:-

1. Form AT4 completed by the Tenant.
2. Form AT2 completed by the Landlord.
3. Written representation from the Landlord's agents including a list of comparable properties available for let.

The Committee found the comparables to be helpful and did not dispute that they were generally representative of the rentals that could be obtained for one and two bedroom flats in reasonable condition in the City Centre of Dundee. The Committee were of the view that the range of rentals that could be obtained within the City Centre would be between £400 for a one bedroom flat up towards a maximum of £550 per calendar month for a two bedroom flat. In relation to the particular property in question, the Committee were of the view that a property of a similar size in reasonable condition would fall roughly in the middle of this price bracket. Although the Property was a two bedroom flat the second bedroom could only properly be described as a box room and this would have a detrimental effect on the rental that could be obtained for the property overall. The Committee were of the view that for a property of equivalent size and location in reasonable condition in the City Centre the rent would be £475 per calendar month (£5,700 per annum). The Committee were not, however, of the view that a rental at £5,700 per annum could be achieved for this particular property when its current condition was taken into account (particularly if the improvements made by the Tenant were further discounted). The bathroom was particularly small and cramped. The bath itself was so small as to be impracticable for the majority of people, it was in very poor condition and had the waste pipe from the sink discharging directly into it. The kitchen lacked most of the fittings and fixtures that a modern day tenant would expect. The Tenant had installed a kitchen sink and base units and these would require to be discounted in coming to a decision on the rental. For the purposes of the decision there was, in effect, no heating within the Property as the Tenant had installed the hot water boiler. There were three open fires within the Property but these were not in use. The décor within the Property was somewhat dated.

The Committee noted that the Landlord had applied the previous year for an increase in rental. The Committee had the benefit of the previous Committee's decision. The Committee noted that the previous Committee had discounted the rent on a similar reasoning. Given that only one year had lapsed since the last application to the Committee, the Committee were not of the view that an increase in rental was appropriate in this case. Whilst there had been a marginal increase in rents in Dundee over the last year, the Committee were of the view that tenants expectations generally as to the standard of private rented properties was rising and the poor condition of the kitchen and bathroom meant

that no rental greater than that determined by the previous Committee would be achievable.

In discussions after the inspection, the Committee expressed some surprise at the Landlord seeking a rental increase of nearly 20% within a year. The Committee were of the view that the Landlord and their agent should have known that there had not been an increase in the level of rent in Dundee of that order. The Landlord and their agents ought properly to have been aware also from the decision of the previous Committee that whilst the Property remained in its unmodernised condition that this would always have a significant detrimental effect on the rental achievable.

In the whole circumstances, the Committee considered that a market rent for the property in its present condition, and discounting the improvements carried out by the Tenant, would be the existing rent of £4,230 per annum.

Signed ...  
Chairperson

**E Miller**

Date. 17/11/2020