



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

RAC/EH3/A72

APPLICATION RECEIVED

18 October 2010

ADDRESS OF PREMISES

1F3, 13 Panmure Place, Edinburgh, EH3 9AP

TENANT

Mr E Lindsay

NAME AND ADDRESS OF LANDLORD

Edinburgh University

AGENT

James Gibb
4 Atholl Place
Edinburgh
EH3 8HT

RENTAL PERIOD

Monthly

DATE TENANCY COMMENCED

19 December 1994

DESCRIPTION OF PREMISES

Unimproved first floor tenement flat comprising living kitchen, sitting room, 2 bedrooms, dark box room and dark w.c. Shared drying green.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN

PROFESSIONAL MEMBER

R Handley LLB

D Marshall

PRESENT RENT

£ 3,360.00

RENT DETERMINED

£ 4,200.00

DATE CONSIDERED

30 December 2010

DATE DETERMINATION TAKES EFFECT

28 April 2011

R Handley

Chairman of Private Rented Housing Committee

11 January 2011

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Date



The Private Rented Housing Committee

Statement of Reasons in respect of an application under section 25 of the Housing (Scotland) Act 1988

PRHP Ref: RAC/EH3/A72

Re: The residential dwellinghouse at
1F3, 13 Panmure Place
Edinburgh
EH3 9HP

("the property")

The Parties:-

Mr E Lindsay
resident at the property

("the tenant")

and

The University of Edinburgh
c/o James Gibb
Property Management Ltd
4 Atholl Place
Edinburgh
EH3 8HT

("the landlords")

Background

1. This is a reference to the Private Rented Housing Panel ("the PRHP") under the Housing (Scotland) Act 1988 ("the Act") by the tenant. The original rent paid by the tenant was £3,360 per annum. The landlords sought a rent of £5,040 per annum.

The Documentation

2. The Committee had before it a bundle of documents which included the Form AT4, the Form AT2 and a Statement of Reasons in respect of the

tenant's previous application under section 25 of the Act for the determination of a rent.

The Inspection/Hearing

3. The Committee inspected the property at 10.00am on 30 December 2010. The tenant was present throughout the inspection and was represented by Mr Simon Shearer from the Citizens Advice Bureau.
4. A Hearing was held after the inspection at 11.00am in Scott House, South St Andrew's Street, Edinburgh. The tenant and Mr Shearer attended the Hearing. The landlords were not represented at the Inspection or at the Hearing.

The Property

5. The property is located in the Tollcross area of Edinburgh. The property is close to the Meadows and in an area which has good public transport links to the city centre and to the main railway stations. Tollcross is an area of high value and high amenity.
6. The property measures approximately 96 square metres and comprises a two bedroomed first floor flat in a traditional tenement building. It appeared to the Committee that the tenement building was in a fair condition. The Committee were unable to view the roof of the property. The property is served by a secure door entry system which appeared to be working properly. The property comprises a dining kitchen, a reasonably large living room, a large boxroom, a WC and two double bedrooms. The tenant had access to a communal garden area to the rear of the property.
7. The kitchen has a stainless steel sink unit but no other fitments. It was clear that many of the windows in the property (which were single glazed) were not wind tight and require to be repaired. There is no central heating in the property. The kitchen is heated by a solid fuel fire and there are fireplaces in most of the other rooms within the property. However the Committee were advised that these fireplaces could not be used and the Committee observed evidence of deterioration in the internal brickwork in the fires. The Committee noted that the property was in a very poor decorative order and in need of extensive modernisation.

The Hearing

8. As indicated, the tenant and Mr Shearer were present at the Hearing. Mr Shearer reminded the Committee that the tenant had moved into the property in 1964 and minimal repair/improvement works had been carried out on the property since then. It was submitted that many of the windows in the property were not wind tight. Mr Shearer suggested that the market rent for the property would be low - under £350 per month. The tenant reiterated that no improvements had been carried out

throughout his occupancy of the property. The Committee understand that the landlords had offered to install central heating but that the tenant had concerns about the operational costs involved.

Our Decision

9. The Committee had great difficulty in deciding what an open market rent would be for the property. Neither party produced any comparables which might have assisted the Committee in this regard. However, as indicated, the property is located in an area of high amenity. The Committee were aware that well maintained, modernised properties for rent in this area were generally sought after. However the Committee considered that to achieve a rental comparable with other improved properties in the Tollcross area, the property would require extensive modernisation works. Such works would involve the installation of central heating, the installation of a bath/shower and modern WC, the fitting of a new kitchen, re-wiring, provision of new floor coverings and a complete redecoration of the property. The Committee concluded that the open market rent for a fully improved flat of similar size and layout to the property would be in the region of £725 per month.
10. However, the poor present condition of the property (in particular the absence of central heating, double glazing, a bath/shower and a fitted kitchen) was such that it would have limited appeal to a number of prospective tenants. The Committee concluded that the demand for the property would be low unless offered at a significant reduction to the open market rent – at least 50% lower. Having regard to all the circumstances, including those required to be taken account of in terms of Section 25 of the Act, and in applying its own knowledge and experience as best it could, the Committee decided that the monthly market rent for the property should be £350 per month (£4,200 per year).
11. The Committee noted that on 27 April 2004 the previous Committee determined a rent for the property of £270 per month. The Committee were of the view that rents in Edinburgh have fluctuated since April 2004 and there has been small general increase in rents.
12. The effective date of the increase in rent is the date specified by the landlords in the Notice, being 28 April 2011.

Chairperson .. **R Handley**

Date 11 January 2011