



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

Prhp/G83/A77

APPLICATION RECEIVED

14 February 2011

ADDRESS OF PREMISES

2 Forestry Cottages, Succoth, Arrochar, G83 7AW

TENANT

Mr M Johnstone

NAME AND ADDRESS OF LANDLORD

Northumberland & Durham
Property Trust Ltd.
City Gate, St James Boulevard
Newcastle, NE1 4JE

AGENT

Redpath Bruce Property Managers
103 West Regent Street
Glasgow, G2 2DQ

RENTAL PERIOD

Monthly

DATE TENANCY COMMENCED

DESCRIPTION OF PREMISES

Semi-detached post war house comprising living room, kitchen, 3 bedrooms and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
PROFFFESSIONAL MEMBER
LAYMEMBER

Mr R Handley LLB
Mrs S Hesp LLB(Hons) BA(Hons) MRICS
Mr C Harvey

PRESENT RENT

£ 4248.00 p.a.

RENT DETERMINED

£ 5400.00

DATE CONSIDERED

12 April 2011

DATE DETERMINATION TAKES EFFECT

28 February 2011

R Handley

Chairman of Private Rented Housing Committee

27 April 2011

Date



The Private Rented Housing Committee

Statement of Reasons The Housing (Scotland) Act 1988

PRHP Ref: prhp/G83/A77

Re: The residential dwellinghouse at
2 Forestry Cottages
Succoth
Arrochar
G83 7AW

("the property")

The Parties:-

Mr M Johnstone
resident at the property

("the tenant")

and

Northumberland & Durham Property Trust Ltd
c/o Redpath Bruce Property Management Ltd
103 West Regent Street
Glasgow
G2 2DQ

("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 £4,248.00 per annum. The landlords sought a rent of £4,752.00 per annum.

The Documentation

2. The Committee had before it a bundle of documents which included the Form AT4, the Form AT2 and written representations from the landlords.

The Inspection

3. The Committee inspected the property on 12 April 2011 at 10.30am. The Chairman introduced the Committee to the tenant who was present throughout the course of the inspection. The landlords were not represented at the inspection. The Chairman advised the tenant that the landlords had intimated that they would not be attending the Hearing and consequently no Hearing would be held.

The Property

4. The property is a semi detached, two storey property situated in the village of Succoth (close to Arrochar) on a minor road. It is located with a number of similar properties in a small development. The dwellinghouse has a kitchen, living room, bathroom and three bedrooms (one on the ground floor).
5. The property was built around 1950. The external walls are timber and have been partially clad with mock stone. The roof is concrete tiled (the tiles appear to be originals).
6. Four radiators are located in the downstairs of the property. The radiators are heated from a coal fire in the living room. The landlords have repaired/replaced the windows in the bedrooms.
7. There is a well kept garden to the front, side and rear of the property. There is a parking area to the rear of the property.

The kitchen

The tenant has converted a storeroom into a kitchen and this is entered through an external door from the back garden. The kitchen contains a sink and an electric cooker and fridge. Kitchen units (supplied by the tenant) have been fitted at the expense of the landlords. There are adequate electrical points.

A door from the kitchen leads to the living room.

The living room

Within the living room is a small dining area which previously served as the kitchen. A window in the living room overlooks the rear garden. The living room has adequate electrical points and is heated by coal fire.

A door from the living room leads to the hall.

The bathroom

The bathroom contains a bath, a WC, a wash hand basin and a shower. The landlords have fitted a new bath, WC and wash hand basin. The tenant has installed the shower.

The electrical fuse box is located in a cupboard in the hall.

The main bedroom

A double bedroom is located on the ground floor of the property. The tenant advised that he had problems with dampness within this bedroom (although a test on the day of the inspection using a Protimeter indicated that the level of dampness in this area of the property was not unusually high).

The bedrooms

A stair from the hall leads to two further bedrooms. The tenant advised that one of the electrical plugs in one of the bedrooms did not function properly.

The Hearing

8. The landlords had previously intimated that they wished to attend a Hearing. However, prior to the inspection the landlords' representatives contacted the PRHP office and intimated that the landlords would not be attending the Hearing and would not be represented. Consequently no Hearing was held.

Decisions and Reasons

9. In determining a rent the Committee took full account of the documents previously referred to.
10. In their written submissions the landlords stated the following:

"2 Forestry Cottages, Succoth, Arrochar is a semi-detached stone clad Forestry House comprising of lounge, dining area, double bedroom, large kitchen, bathroom and separate walk-in shower all located on the ground floor. On the first floor there are two double bedrooms, one to the front and the other to the rear.

Recent repairs carried out by the landlord include replacement of two defective dormer windows, new bathroom suite, wet wall panels within shower area, new uPVC double glazed rear door and replacement of two kitchen windows. The kitchen, acquired by the tenant from a family member, has been installed by the landlord including renewal of the kitchen floor and upgrading the electrical system, the cost of said works amount to £7,795.00.

Our clients are requesting to increase the current rent by 12.5% i.e. from £4,248.00 to £4,752.00 per annum. The landlords are demonstrating a real commitment to repair and improve the property as and when required.

It is difficult to trace comparable properties within this area, however we have made our calculations based on the G83 postcode and have enclosed details for your attention."

11. No submissions were received from or on behalf of the tenant.
12. The Committee noted that the landlords had effected a number of repairs/ improvements to the property including improvements to the bathroom, kitchen, dormers and the windows in the kitchen and living room. The Committee noted that the glass in the front door was cracked. The Committee observed evidence of deterioration of the external timber in the porch at the front door as a consequence of water ingress. The roof would benefit from routine maintenance.
13. Whilst there were four radiators in the downstairs of the property (and no radiators upstairs), these were heated from the coal fire in the living room and the Committee considered that it was unlikely that they would heat the property adequately.
14. Although the fuse box has recently been replaced, the electrical wiring system is dated.
15. All the furniture within the dwelling house belonged to the tenant. No services were provided by the Landlord.
16. The Committee had some difficulty in deciding what a reasonable open market rent for a similar dwelling house in this area would be (in terms of section 25). The landlords provided information about 5 comparable dwelling houses. However three of them were two bed roomed flats, one was a two bed roomed house and one a three bed roomed house. Significantly, two were in Jamestown, two in Alexandria and one in Balloch. These areas are very different from the area the property is located in. All the comparables are located in areas where there are good road and rail links to Glasgow and beyond. Schools, shops, public houses, restaurants and hospital are all nearby. Furthermore the Committee had no information about the size and condition of these dwelling houses. Consequently the Committee considered that these comparables were of little assistance in determining a market rent.
17. The Committee had information about a dwelling house to let in Garelochhead. This dwelling house is located close to Garelochhead station and is described as ideal for commuting to Glasgow and both Naval Bases. The property comprises of two double bedrooms with laminate flooring, one with ample storage, bright living room with feature fire place, modern fitted bathroom and country style fitted kitchen. There is parking to the front of the property and a good sized elevated rear garden. This dwelling house is available to let at a rent of £575 per month. Given the location of this dwelling house (near public transport and two Naval Bases) and it's the general condition, the

Committee concluded that this dwelling house would be likely to achieve a rent higher than the rent for the property.

18. The Committee were also aware of another dwelling house to rent in the same development as the property (Forestry Cottages). This property was also a timber built stone clad three bed roomed dwelling house. The negotiable asking rent for this dwelling house was £6,600 per annum.
19. The Committee considered that the open market rent for a property (in an area similar to the one the property is located in) which was fully improved with a bath, shower, central heating, effective double glazing and in a good state of repair would be in the region of £6,600 per annum. However, whilst a number of improvements had been carried out by the landlord, the Committee noted that the property did not have full central heating, the glass in the front door of the property was cracked and the door was ill fitting, some of the windows were ill fitting, the porch above the front door was in need of repair, the roof required routine maintenance and the electrical system was dated. Given the actual condition of the property, the open market rent would be lower than £6,600.
20. Having regard to all the circumstances (including those required to be taken into account in terms of section 25 of the Act), and applying its own knowledge and experience as best it could, the Committee decided that a fair rent for the property would be £5,400 per annum. In reaching this conclusion the Committee disregarded the improvements carried out by the tenant within the property (including the provision of kitchen units and a shower in the bathroom).
21. The Committee were mindful of the fact that this rent was one which was above that sought by the landlords and the increase may cause the tenant some financial difficulties. The Committee respectfully reminds the Landlord that they cannot charge a rent higher than that set by the Committee but they can of course charge the tenant a rent lower than the fair rent set by the Committee.
22. Finally in the course of the inspection the tenant advised the Committee that he was aware that neighbours (within the same development as the property) were being charged a rent considerably less than the rent he was being charged by the landlords. The Committee had no reason to doubt that this was so, but considered that there could be many reasons for this differential and in the absence of any other information or evidence, the Committee could not take account of this information.
23. The Committee decided that the increase in rent should take effect from 28 February 2011, the date indicated in the AT2 Form which had been served on the tenant. The Committee were aware that the rent set was higher than that sought by the landlords and reminds the landlords that they cannot charge a rent higher than that determined by the

Committee but they can charge the rent applied for that being £4,752 per year.

R Handley

Chairman

27 APRIL 2011

Date