



**PRIVATE RENTED HOUSING PANEL**

**RENT (SCOTLAND) ACT 1984**

**Notification Of Decision By The Private Rented Housing Committee**

<b>REFERENCE NO:</b>	<b>OBJECTION RECEIVED</b>	<b>OBJECTION</b>
RAC/G3/628	6 March 2008	Landlord

**ADDRESS OF PREMISES**

1/1, 24 Nairn Street, Glasgow, G3 8SF

**TENANT**

Miss H I Calder

**NAME AND ADDRESS OF LANDLORD**

CDB & Others

**AGENT**

Hacking & Paterson  
1 Newton Terrace  
Glasgow  
G3 7PL

**DESCRIPTION OF PREMISES**

Traditional first floor tenement flat built 1900 comprising 1 room living kitchen & bathroom.

**SERVICES PROVIDED**

None

**COMMITTEE MEMBERS**

**CHAIRMAN**  
**SURVEYOR**  
**HOUSING PANEL MEMBER**

Mrs J Docherty BL  
Mr A English FRICS  
Mr C Harvey

<b>FAIR RENT</b>	<b>DATE OF DECISION</b>	<b>EFFECTIVE DATE</b>
£3000.00 p.a.	7 May 2008	7 May 2008

**E J Docherty**

**Chairman of Private Rented Housing Committee**

*12th May 2008*

**Date**

PRIVATE RENTED HOUSING PANEL OF WEDNESDAY 7<sup>TH</sup> MAY 2008

STATEMENT OF REASONS

PROPERTY

(One) First floor left hand house (1/1) at 24 Nairn Street, Yorkhill, Glasgow, G3 8SF (hereinafter referred to as "the first flat") and

(Two) Third or top floor right hand house (3/3) at 1 Haldane Street, Whiteinch, Glasgow, G14 9QN (hereinafter referred to as "the second flat")

INTRODUCTION

These are applications to the Private Rented Housing Panel ("the Committee") for the determination of the fair rents of the first and second flats under the Rent (Scotland) Act 1984 ("the 1984 Act")

The landlords of the first flat are named in the relative Application as CDB and Others whose Agents are Messrs. Hacking & Paterson, 1 Newton Terrace, Glasgow G3 7PL. The tenant of this flat is Miss H. I. Calder who was born in the flat in 1925 and has lived her entire life there. The annual rent for the first flat was last registered on April 2005 at the figure of £2000. On 25<sup>th</sup> January 2008, the landlords applied to have this rent increased to £3000. The Rent Officer determined a rent for the first flat at the figure of £2200 with effect from 9<sup>th</sup> April 2008.

The landlord of the second flat is Mrs. Johanna F. Gillies whose Agents are also Messrs. Hacking & Paterson. The tenant of the second flat is Mrs. A. Denning who has lived in the flat for more than fifty years. The annual rent of the second flat was last registered on February 2005 at the figure of £1800. On 27<sup>th</sup> November 2007, the landlord applied to have this rent increased to £3600. The Rent Officer determined a rent for the second flat at the sum of £2170 with effect from 20<sup>th</sup> February 2008.

Both Applications have been submitted by the landlords.

INSPECTION

(First flat) The Committee inspected this flat on the morning of 7<sup>th</sup> May 2008. The tenant was present throughout the inspection. The landlords did not attend. This flat is located on the first floor of a traditional four storey red sandstone tenement. The roof is tiled and the stonework would appear to have been cleaned some time ago. There is a security door on the close. The close is tidy and the walls are attractively tiled. There are two houses on each of the four floors of the tenement

The flat lies on the left hand side of the first floor landing. The flat has a regular shaped hall with a living room and bathroom to the front of the flat and a living/kitchen at the back of the flat. The living room is a good size room with a three

window bay projection looking onto Nairn Street. The windows are possibly the original wooden framed, single glazed windows and the tenant stated that she cannot open them. The attractive tiled fireplace and other fittings in this room are also original. There is no heating other than an electric fire fitted by the tenant. The wiring is old and in some cases there are still two-pin point sockets being used. There is a curtained bed recess in this room. There is evidence of water staining on the wallpaper on one of the internal walls but this appears to be dry now. There are also some plaster cracks in the ceiling but no evidence of damp.

The living/kitchen which is a reasonable size is wholly unimproved or modernised. There are two single glazed, wooden framed windows overlooking the backcourt. In or about the Sixties, the range and the kitchen sink were replaced by the tenant who also had the electric immenser and relative cabling installed. There is a bed recess in the kitchen. An unenclosed gas meter is mounted on the kitchen wall. The kitchen is heated by the tenant's electric fire.

The bathroom is a good size room with a window. It has been partitioned and the bath and w.c. are located in the section with the window and the wash hand basin is in the smaller area leading off the hall. The bath is fairly new and the other fittings although old are in reasonable condition. The bathroom itself is badly in need of decoration. The tenant explained that there had been dry or wet rot in the flat above and consequently the bathroom ceiling and water pipes had been repaired. The repair work is of a very poor standard and there are great gaps in the ceiling where water pipes have been moved and no attempt has been made to replaster the damaged areas. The tenant is reluctant to incur the reinstatement costs and until this matter is resolved she sees little point in redecorating the bathroom.

The tenant advised that there is no stair cleaning or garden maintenance service in the property.

The common backcourt is small and at the time of the inspection was fairly tidy.

Parking for the flat is on-street and at the time of the inspection there was no parking adjacent to the property. The locality is mainly residential with good shopping and travel facilities.

(Second flat) The Committee also inspected this flat on the morning of 7<sup>th</sup> May 2008. The tenant and Ms Michelle Knox from the Advocacy Project were present at the inspection. The landlord did not attend. This flat lies on the top or third floor of a traditional four storey grey sandstone tenement on the corner of Dumbarton Road and Haldane Street. There are three houses on each of the three upper floors of the tenement. On the ground floor there is a shop in Dumbarton Road but in Haldane Street the original shop has been converted to another house. The roof is tiled and although the property is likely to have been refurbished externally some time ago it is now somewhat shabby. There are braces on the corner oriel windows which would indicate there has been some movement in the structure of the building over the years. There is a security door on the close. The close, stairs and landings are in a poor state of decoration but at the time of the inspection they were clean. There is a cupola at roof level and where the upper ceiling wall has been replastered it has not been redecorated.

This flat lies on the right hand side of the top floor landing. From the front door there is a narrow hall which gives access to a larger square hall. The living room lies to the front of the house, the living/kitchen and bedroom are at the back of the house with a shower room at the side of the house.

The living room is a good sized room with a recessed area and a shallow oriel window looking onto Haldane Street. The three oriel windows have been replaced by the landlord with new pvc double glazed windows. The fireplace and electric fire have been fitted by the tenant.

The double bedroom is a also a good size although a rather awkward shape where it narrows towards the single window which is a wooden pivoted single glazed window which will have replaced the original window of the house.

The living/kitchen also has a recessed area and has one similar wooden pivoted single glazed window looking over the back court. All the units, the stainless steel sink unit and the electric immersion heater have been fitted by the tenant. The kitchen is heated by the tenant's electric fire.

The shower room which has one window is small and the basin, w.c. and shower which were fitted by the landlord, are all in good repair.

The house has recently been rewired and there are sufficient modern sockets throughout the house. However, the standard of reinstatement work following the rewiring is very poor and the damaged plasterwork is unsightly.

The small backcourt of the tenement is paved and the bin shelters at the time of the inspection were untidy. The back court and stairs are maintained by the occupiers of the houses in the property.

At the time of the inspection, parking in Haldane Street was readily available.

The locality is mainly residential and in close proximity to Victoria Park. Shopping and transport are good.

#### DECISION

No Hearing had been requested by any of the parties. Accordingly the Committee considered in the first place the written documentation before it, viz:-

1. RRI Application for first flat dated 25<sup>th</sup> January 2008.
2. Landlords' objection re first flat dated 20<sup>th</sup> March 2008 (with relative enclosure relating to flat at Exeter Drive)
3. Tenant's representations dated 9<sup>th</sup> March 2008.
4. Rent Register pages for first flat.
5. RRI Application for second flat dated 27<sup>th</sup> November 2007.
6. Landlord's objection re second flat dated 29<sup>th</sup> February 2008
7. Rent Register pages for second flat.
8. Clerk's list of Comparables for both flats.

The Committee's duties in terms of s.48 (1) of the 1984 Act in determining the fair rent of a regulated tenancy is "to have regard to all the circumstances (other than personal circumstances), and in particular to apply their knowledge and experience of current rents of comparable property in the area, as well as having regard to the age, character and locality of the dwelling-house and to its state of repair .....". Para (2) then provides that "For the purpose of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwelling-houses in the locality...is not substantially greater than the number of such houses in the locality which are available for letting..." This provision is sometimes known as "the scarcity deduction"

The Committee have therefore to consider firstly, what is the level of current rents of comparable properties in the area and secondly, is a scarcity deduction appropriate in these cases.

The landlords in their written representations in relation to the first flat had made reference to two properties. The first is a flat (0/1), 61 Daisy Street where a fair rent of £3300 was determined in February 2008. This flat is a two room, living/kitchen and bathroom flat and therefore not a direct comparable with the single room and kitchen flat in Nairn Street. They have also referred to an unfurnished one bedroom flat in Exeter Drive, Partick where the asking rent is £430 per month. No other evidence of market rentals in the area was submitted by the parties.

The Clerk had furnished the Committee with two comparable properties both in White Street, Partick. The first of these, (3/1) 70 White Street, is a two room, living/kitchen and bathroom flat with a registered fair rent of £3600 effective from March 2008. The other, (0/2) 4 White Street, is a one room, living/kitchen and bathroom flat with central heating and double glazing where a fair rent of £2400 was determined with effect from March 2008.

From internet sources, West end letting agencies and local newspapers, the Committee were able to identify a great number of both one and two room and kitchen flats in the West end of Glasgow which are at present available for rent.

The Committee considered very carefully all these comparable rents and agreed that the market rents of £3000 for the first flat and £3600 for the second flat as proposed by the landlords do reflect the current market rents of comparable properties in the area.

In particular, the Committee took the view that the fair rent of £3300 for the two room and kitchen flat in Daisy Street, Govanhill should be lower than the similar flat in Haldane Street with its more attractive location in Whiteinch.

The pictures of the Exeter Drive flat with an asking rent of £430 per month (£5160 per annum) depict a modernised flat with central heating and new white goods. The Committee agreed that the rents of £3000 and £3600 proposed by the landlords for the two unimproved first and second flats are more realistic market rents for these flats.

The Committee also considered the two flats in White Street listed by the Clerk and agreed the rent of £3600 for the larger flat sits comfortably with the proposed rent for the Haldane Street flat.

Relying on their knowledge and experience, the Committee also agreed that the smaller flat at 4 White Street, Partick was in a less desirable area than the Nairn Street flat in Yorkhill which is handy for the University and two major Hospitals. The Clerk to the Committee advised that he had been present at the Inspection of the flat at 4 White Street and confirmed it is considerably smaller in area than the flat in Yorkhill. Accordingly, the Committee agreed that the market rent of the Yorkhill flat should be greater than £2400.

In reaching their decision the Committee have taken into account the fact that both the first and second flats are unfurnished and little improved by the landlords.

The Committee then looked at the matter of scarcity and agreed that it is apparent that there are now many properties for rent in Glasgow and the supply of these properties adequately meets the demand for same. Accordingly, the Committee agreed that no scarcity deduction from the market rent is appropriate in today's climate.

In conclusion, the Committee determined the fair rent for the properties are:-

(First flat)           £3000 with effect from 7<sup>th</sup> May 2008  
(Second flat)       £3600 with effect from 7<sup>th</sup> May 2008

In reaching this decision, the Committee has regard to all the circumstances of the 1984 Act.

Chairman

**E J Docherty**

Date

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