



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G11/641	12 May 2008	Landlord

ADDRESS OF PREMISES

1/1, 12 Fairlie Park Drive, Glasgow, G11 7SR

TENANT

Miss E Heggie

NAME AND ADDRESS OF LANDLORD	AGENT
Hacking & Paterson 1 Newton Terrace Glasgow G3 7PL	N/A

DESCRIPTION OF PREMISES

First floor traditional tenement flat circa 1890 comprising one room, living kitchen and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN	Mrs J Taylor LLB Dip LP NP
SURVEYOR	Mr G Campbell FRICS
HOUSING PANEL MEMBER	Mrs T Ahmed

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 2700.00 p.a.	1 July 2008	1 July 2008

J Taylor

Chairman of Private Rented Housing Committee

7th July 2008

Date

STATEMENT OF REASONS

in connection with

INSPECTION HELD ON 1st JULY 2008

of the property

1/1, 12 Fairlie Park Drive, Glasgow, G11 7SR

1. THE PARTIES

The landlords are Boyd Miller & Co and they are represented by Hacking and Paterson, 1 Newton Terrace, Glasgow, G3 7PL.

The tenant is Miss Eileen Heggie. She has resided in the property her whole life. Her tenancy commenced in October 1938 and is a registered tenancy in terms of the Rent (Scotland) Act 1984.

2. BACKGROUND

The current rent is £2200 per annum. The landlords applied for the rent to be increased to £5000. The Rent Officer registered a rent of £2650 per annum with effect from 8th April 2008. The Landlord referred the determination to the Private Rented Housing Panel ('PRHP').

3. THE INSPECTION

The committee inspected the property, which is a first floor flat in a traditional sandstone tenement, which is over 100 years old. The accommodation comprises one room, living kitchen and bathroom. The windows in the property are the original sash and case windows and there is no central heating in the property. The landlord renewed the bath in December 2007. There is a communal area at the rear of the tenement and the bin storage area is located here. The communal close has been renovated in the past and a door entry has been installed.

The property is conveniently located for public transport and local services.

No services are provided.

4. THE HEARING

No hearing was requested.

5. THE DECISION

The committee had the following documents before them:-

- A copy of form RR1, the landlord's application for registration of the rent.
 - Letter from the landlord's agents dated 29th April 2008 which states:-

'We feel the amount registered by The Rent Officer does not take account changes in the rental market over the last few years, particularly with regard to scarcity. On that basis we suggest that a figure of £5000 per annum should be registered.'

- Letter from the tenant's Solicitors Maxwell MacLaurin dated 21st May 2008 which states *inter alia*:-

'Miss Heggie has lived in the property all of her life. She is now 74. The tenancy has been held by her for many years having previously been held by her parents and indeed her grandparents.....We do not think it is appropriate to make comparisons between the rent being paid by Miss Heggie in a long term lease and the rent being paid by other short term tenants of private landlords who may be on a six month lease. Miss Heggie is elderly and although affordability would not usually be taken into account by the Rent Registration Service we believe that it should be in this case, particularly given that our client has been a longstanding tenant for many years. She simply could not afford any additional increase in rent and does not believe it to be fair. The increase already imposed by the Rent Registration Service of £450 represents an increase of 20%. This is a considerable increase by any standards and to raise it any further would be financially crippling for Miss Heggie but also more than 100% increase from her rent being paid until this month, of £2200 per annum. It is simply not appropriate.

We understand comparisons are made to local rents but there are no comparable tenants given the length of the Lease and the history of the family connection with the tenement. Miss Heggie is distraught and upset at the correspondence in relation to this and wishes to object.

In relation to this it has been suggested that the Landlord carries out repairs and improvements to the flat. This is not the case...the only change being made was the replacement of the original cast iron bath because the plug collapsed (through age). A new plastic bath was installed last December. There has been no other work done to the property in recent years...'

- List of comparable rents, provided by the clerk:-

Address	Accommodation	Description	Effective date	Registered Rent
1/R, 51 Rose Street, Glasgow	2 rooms, dining kitchen and bathroom.	Traditional tenement flat with double glazing	5/12/07	£3600
2/2, 3 Benalder Street, Glasgow	2 rooms, dining kitchen and w.c.	Traditional tenement flat with double glazing	19/3/08	£3100

13/1, 70 White Street, Glasgow, G11 5Ed	2 rooms, living kitchen and bathroom.	Traditional tenement flat	19/3/08	£3600
0/2, 4 White Street, Glasgow	1 room, living kitchen and dark bathroom.	Traditional tenement flat with double glazing and central heating	19/3/08	£2400

The committee had obtained details of many properties available to lease in the area, from news paper advertisements and the internet. They had observed a number of 'For Let' signs in the vicinity of the property. In particular, the following properties were available for lease:-

➤ Dumbarton Road, Hayburn, Glasgow, G11.

The accommodation comprises kitchen area, double bedroom, shower room and separate toilet. The Advertised rent was £ 375 per month. The property had been refurbished.

➤ Dumbarton Road, Partick, G11.

The accommodation comprises lounge, bedroom, kitchen and bathroom with shower. The property has gas central heating. The Advertised rent was £ 385 per month.

➤ Dumbarton Road, Hayburn, G11.

The accommodation comprises lounge, double bedroom, kitchenette and bathroom. The property has gas central heating and partial double glazing. The advertised rent was £390 per month.

The committee considered the documents provided and the evidence mentioned. The committee were mindful of the terms of section 48(1) of The Rent (Scotland) Act 1984, which requires the committee 'to have regard to all of 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 in question and to its state of repair and, if any furniture is provided for use under the tenancy, and to the quantity, quality and condition of the furniture'. Also section 48(2) which requires them to 'assume that the number of persons seeking to become tenants of similar dwelling- houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling- houses which are available to let on such terms.'

The committee carefully considered the most appropriate method of determining the fair rent of the property. The committee were also mindful of the observations of the Lord President in Western Heritable Investment Co Ltd v Hunter (2004) which requires the committee to proceed on the best available evidence and use the other evidence as a cross check where possible.

As there are many similar properties available for lease in the vicinity, the committee accepted that there is no scarcity in supply and that therefore the market rent is the fair rent.

The committee reviewed the evidence of the market rents and determined that the market rent of improved similar properties provided with fitted kitchen, appliances, and upgraded bathroom ('similar improved properties') was £ 360 per month, £4320 per annum.

They recognised that the property 1/1, 12 Fairlie Park Drive, Glasgow was in a poorer condition than the similar improved properties and therefore a reasonable deduction was required to reflect the differences in the properties. They considered that the cost of supplying furniture and appliances, installing central heating and double glazing, rewiring the property, replacing the bathroom and kitchen fitments, decorating and replacing the flooring would be in the region of approximately £ 16,200.

They considered that this capital expenditure would have a reasonable average life expectancy of 10 years which justified a reduction of £ 1620 from the annual rent of the similar improved properties of £4320 per annum.

Consequently, they decided that the fair rent for the property was £ 2700 per annum.

In reaching this decision the committee have had regard to all the considerations required to be taken into account in terms of Section 48 of the Rent (Scotland) Act 1984.

This decision takes effect from the First day of July Two thousand and eight.

..... **J Taylor** ...
Chairperson, 7th July 2008.