

**PRIVATE RENTED HOUSING PANEL****RENT (SCOTLAND) ACT 1984****Notification Of Decision By The Private Rented Housing Committee**

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/EH11/657	1 October 2008	Tenant

ADDRESS OF PREMISES

19/2 Downfield Place, Edinburgh, EH11 2EJ,

TENANT

Mr & Mrs Fenton

NAME AND ADDRESS OF LANDLORD	AGENT
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Dunedin & Canmore H.A.
8 New Mart Road
Edinburgh
EH14 1RL

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DESCRIPTION OF PREMISES

Moder tenement flat circa 1990 with gas centra heating and double glazing comprising four rooms, kitchen, bathroom and w.c.

SERVICES PROVIDED

Communal electricity, stair cleaning, landscape maintenance and caretaking.

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR
LAYMEMBER

Mrs A McCamley BA LLB NP
Mr D Godfrey ARICS
Mrs L Nicholson

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 4414.00 p.a. (Incl. of services of less than 5%)	9 December 2008	8 September 2008

A McCamley

Chairman of Private Rented Housing Committee

11/12/08

Date

Private Rented Housing Committee

Statement of Reasons

Inspection held on 9th December 2008

Property : 19/2 Downfield Place Edinburgh (the flat)

The Committee Members:

Mrs Anne McCamley (Chairman)
Mr David Godfrey (Surveyor)
Ms Liz Nicholson (Housing Member)

Introduction

This is an Application to the Private Rented Housing Committee for a determination under the rent (Scotland) Act 1984 in respect of the regulated tenancy of the flat.

The Landlords are Dunedin Canmore Housing Association.

The tenants are Mr and Mrs Fenton

In September 2008 the Landlords applied to have the then rental of £3780.13 p/a increased to £4414 p/a and the Rent Officer determined a fair rent for the flat at £4414 p/a with effect from the 8th September 2008. This reference to the Committee is on the part of the tenants.

Inspection

The Committee inspected the flat on the morning of 9th December 2008. The tenant was present throughout the inspection . The landlord had been invited to attend however chose not to do so.

The property is situated in the Gorgie /Dalry area of the City. It is well served by public transport into the centre of the city and there are several small local shops within easy walking distance. The area is mixed residential and commercial. The flat is on the ground floor of a purpose built block which was erected about 18 years ago . It appears there are about 80 other flats in the block some of which are now owner occupied and some let by the Housing Association. There is access to a communal rear open space which is used for drying washing and social activity.

Internally the flat comprises three bedrooms , large public room , kitchen , bathroom, separate w.c and two cupboards in the hallway. There is full gas central heating . The flat was wind and watertight on 9/12/08.

Documentation

The committee considered all the written submissions provided by the landlord and the tenant. We also considered a list comprising two recently registered rents which were potentially comparable to the property under consideration.

The Hearing

No Hearing took place as neither party had requested a Hearing.

The Decision

To uphold the Rent Officer's determination.

The Committee carefully considered all the evidence before it together with the observations made by the members during the inspection. The Committee first considered which of the alternative methods of ascertaining fair rents was most appropriate in this case. It is settled law that there are three main guidelines:

- To have regard to free market rents for similar properties.
- To compare registered rents for other similar protected tenancy properties
- To ascertain what would be a fair return to the landlord on the capital value of the property.

The overarching duty of the Committee is contained within section 48 of the act ; that is ,to determine a fair rent for the property having regard to all the circumstances (other than personal circumstances) and to apply our knowledge and experience of current rents of comparable property in the area.

Neither party had made any submission to the committee on market rents or capital value, nor had the landlord provided any details of their method of determining rental. The Committee would have found this helpful.

The Committee had the benefit of the schedule of registered rents of two

potentially comparable properties and submissions from the Landlord detailing the rent received in respect of the other properties in the same block as the reference flat.

After deliberating the Committee concluded the use of comparable rents for similar tenancies was the most appropriate method to adopt in this case as we had evidence of rent charged for comparable properties in the same block. We considered the capital value method would not be reliable during this unsettled global financial crisis . We took the view that while the Landlord should be able to achieve a higher rent if we adopted a strict market rent approach , the landlord wished a rent comparable with the other properties in the block to be registered and we took account of this in our deliberations.

On the basis of the foregoing , having taken all relevant factors into account the Committee determine that a fair rent for the property is £4414 per annum in line with the other properties in the block. The landlord provides communal electricity, stair cleaning, landscape maintenance and caretaking at a cost of £197 per annum. This figure is included in the annual rental figure.

In reaching this decision the Committee had regard to all the circumstances required to be taken into account in terms of section 48 and 49 of the Rent (Scotland)Act 1984. As the landlord is a Housing Association the effective date of registration is 8th September 2008 .

A McCamley

.. Chairman