



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/FK2/659	14 October 2008	Landlord

ADDRESS OF PREMISES

38 Stewart Road, Falkirk, FK2 7AW

TENANT

Mr D Miller

NAME AND ADDRESS OF LANDLORD

Aysha Ali

AGENT

Sandemans Solicitors
256 Main Street
Camelon
Falkirk
FK1 4DY

DESCRIPTION OF PREMISES

First floor flat in a traditional 3 storey tenement building comprising 3 rooms, kitchenette and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR
HOUSING MEMBER

Mr A Cowan LLB(Hons) Dip LP
Mr M Links FRICS
Mrs C Anderson

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 2,750.00 pa	10 December 2008	10 December 2008

A Cowan

Chairman of Private Rented Housing Committee

Date

5th January 2009

PRIVATE RENT HOUSING COMMITTEE ("PRHC")

Statement of Reasons in respect of a reference to the PRHC
following a determination of a fair rent by the rent officer re 38 Stewart Road, Falkirk

Introduction

- 1 This is a reference to the PRHC in respect of a flat at 38 Stewart Road, Falkirk ("the flat"). The Landlord is Mr Aysha Ali and is represented in this matter by Messrs Sandemans, Solicitors, 256 Main Street, Camelon, Falkirk. The Tenant is Mr Daniel Miller. The tenancy is a regulated tenancy. On 10th September 2008 the rent officer registered a fair rent of £2,640 per annum in respect of the flat. The Landlord timeously objected to the registered rent on the ground that it was too low. Accordingly, the matter was referred to the PRHC for a determination. Both parties were invited to make written representations, to attend the inspection and to attend a hearing. The Landlord made no further written representations and did not attend the inspection. The Tenant attended the inspection. No hearing was sought by either party and none was held. The inspection took place on 10th December 2008. Following the inspection the Committee made its decision.

Findings in fact

- 2 The PRHC makes the following findings in fact following its inspection of the flat and its surroundings. The flat is located close to the centre of Falkirk and the main facilities of the town and close to a modern shopping development in a residential area. The flat is on the first floor of a three storey traditional tenement. The building is constructed of stone and brick with a tiled roof. The flat is accessed via a common close and stair. There is no lift and there is no door-entry system. There is no working lock on the common close door. The close and stair are in poor condition decoratively. It would appear that there was some refurbishment of the building during the 1990s at which time all the windows were replaced with single glazed windows.
- 3 Externally there is on street parking. To the rear of the building is a large communal drying green/garden which all the flats in the stair are entitled to use. This communal area is accessed via a door to the rear of the common close. This door has no lock.
- 4 The flat contains a full bathroom suite (but no shower) which appears to have been installed at least 10 years ago. The windows were replaced with single glazed windows at some point in the 1990s. Otherwise the flat has not been improved. The accommodation within the flat comprises the following; There is small kitchenette with basic facilities comprising a sink, worktop and some cupboard space; a small bathroom with a bath, WC and washhand basin; a single bedroom to the front of the house measuring about 4 square metres; a double bedroom to the front of the house measuring about 10 square metres; and a living room at the rear measuring about 14 square metres. The flat is let unfurnished and is in a poor state of decoration throughout. There is no central heating within the flat. There is a gas fire in the living room, but the Tenant has found it to be unaffordable. The Tenant relies on electric heaters to secure any heat he requires. The water is heated by an immersion heater.

The decision

- 5 The PRHC do not accept the determination of the fair rent by the rent officer. The PRHC determine that a fair rent for the subjects is £2,750 per annum with effect from 10th December 2008.

Reasons for decision

- 6 There were no comparable registered rents. No information was supplied by the Landlord to justify the increase in the rent sought by reference to any other market comparable rents. The Landlord failed to give any justification or substantiation for his request that the rent be increased to £450 per month (£5,400 per annum). The Committee itself sought evidence of comparable rents in the immediate area through enquiry of local property agents. The surveyor member of the Committee spoke to a number of local agents and established that there was a balance of supply and demand for flats of similar size in the locality of this particular flat. The Committee were satisfied following these investigations that rents in respect of a two bedroomed modern furnished property which had good decoration, white goods and central heating could achieve a rent of approximately £375 to £400 per month. However, the market for that sort of property would be very different for the market for the subjects which were unimproved and small.
- 7 Applying its skill, knowledge and experience as best it could and having regard to the character and extent of the subjects and all other matters by the 1984 Act the Committee determined that the market rent for the subjects at £2750 per annum.
- 8 Having determined the market rent the Committee then considered whether there should be any scarcity deduction in terms of Section 48 (2) of the 1984 Act. The Committee, applying its skill, knowledge and experience as best it could and noting that it was satisfied that there was no evidence of demand over supply for property such as the subjects and noting also that there appeared to be vacant properties nearby and on the same street as the subjects, decided there was no scarcity of properties of this type.
- 9 Accordingly the market rent is a fair rent in this case. The decision of the rent officer is revised upwards with effect from 10th December 2008. The rent fixed by the rent officer remains effective up to that date.
- 10 The parties should be aware that in terms of Section 46 (3) of The Rent (Scotland) Act 1984 either party is at liberty to seek a re-determination of this figure before the expiry of three years if any of these conditions in that sub section satisfied.

A Cowan

Andrew Cowan, Solicitor, LLB
Chairman of the Private Rent Housing Committee
10th December 2008