



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G20/681	10 February 2009	Landlord

ADDRESS OF PREMISES

0/1, 113 Wilton Street, Glasgow, G20 6RD

TENANT

Mrs M M Park

NAME AND ADDRESS OF LANDLORD

Mrs F M Laird's Executry

AGENT

Ross & Liddell Ltd
60 St Enoch Square
Glasgow
G1 4AW

DESCRIPTION OF PREMISES

Ground floor traditional tenement flat C.1900 comprising living room, 2 bedrooms, dining kitchen and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR
HOUSING PANEL MEMBER

A Cowan LLB (Hons) Dip LP
S Hesp LLB(Hons) BA(Hons) MRICS
C Harvey

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 5,040.00 p.a.	8 May 2009	8 May 2009

A Cowan

Chairman of Private Rented Housing Committee

15/5/09

Date

STATEMENT OF REASONS

by

PRIVATE RENTED HOUSING COMMITTEE

in connection with

INSPECTION HELD ON 8th MAY 2009

of the property at

Flat 0/1, 113 Wilton Street, Glasgow G20 6RD

1 THE PARTIES

The Landlords are the Executors of Mrs F M Laird per their agents Messrs Ross and Liddell, 60 St Enoch Square, Glasgow G1 4AW. The tenant is Mrs M Park. The Tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

2 BACKGROUND

The current rent of the property is £2,900 per annum. The Landlords proposed an increased rent of £6,000 per annum. The Rent Officer determined a rent of £3,900 per annum effective from 5th February 2009. The Landlords appealed that determination to the Private Rented Housing Panel ('PRHP').

3 THE INSPECTION

The Committee inspected the property on 8th May 2009. The Tenant was present at the inspection. The Tenant's son, Mr Stewart Park, was also present at the inspection. No representative of the Landlords attended the inspection.

4 THE PROPERTY

The Property is located on the ground floor of a four storey traditional red sandstone tenement which was constructed circa. 1900. The tenement has tiled roof. There is a secure entry door to a communal close which is in reasonable decorative order. There is a large communal rear backcourt and drying green which is accessed by a secure external door leading off the common close. Within the backcourt area there are steps and a path leading to a communal bin storage area. The steps within the backcourt area are in need of repair. There is a handrail beside the steps which is also in need of repair.

The flat lies to the left hand side of the ground floor close. The property consists of three rooms, together with a kitchen and bathroom. Off the hallway is a living room with a bay window, a double bedroom, a smaller single bedroom, a large dining kitchen and a narrow bathroom with a modern three piece suite. There are no white goods, carpets, floor coverings, furniture or services provided by the Landlords. The windows within the property are not double glazed. It is understood that the windows were last replaced with single glazed PVC units approximately 15-20 years. The flat has no space heating provided by the Landlords and water is heated by an immerser heater.

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

5 THE HEARING

A hearing was arranged for 11.30am on 8th May 2009 at the offices of the PRHP. The Tenant was represented at the hearing by her son Mr Stewart Park. The Landlords were represented at the hearing by Mr Fulton from Messrs Ross & Liddell, Managing Agents.

At the start of the hearing both parties indicated that they did not believe that there was a scarcity of similar sized properties available for rent in the locality of the subjects.

The Landlords' agents confirmed to the Committee that the Landlords were seeking an increased rent of £6,000 per annum.

In support of his argument the Landlords' agent drew the Committee's attention to a number of comparable properties.

The Landlords' agent advised that there were modernised furnished flats of a similar size to the subject property available to rent in Garrioch Road at a rent of £8,320 per annum and in Hayburn Street at a rent of £7,140 per annum. He further indicated that an unfurnished property which only had one bedroom was available for rent in Wilton Drive, close to the subject property, at a rent of £6,000 per annum.

He was further able to advise that similar sized properties to the subject property were currently let in Dryburgh Street at £7,800 per annum and Grovepark Street at £5,600 per annum.

The Landlords' agent accepted that, when comparing the subject property to a modernised furnished property, deductions would require to be made from the rent of the subject property to allow for the fact that it is not fully furnished, does not have double glazing and does not have central heating. In addition the Landlords' agent accepted that an allowance should be allowed for the fact that the kitchen and bathroom in the subject property both require substantial upgrading.

Notwithstanding the fact that the Landlords' agent agreed that deductions would require to be made in respect of these matters the Landlords' agent was confident that the subject property could achieve a market rent of £6,000 per annum in its current condition.

The Tenant's representative had lodged a written submission with the Committee. Those written representations highlighted that all furniture, fittings and fixtures within the property had been supplied by the Tenant and that there was no central heating system within the property. The Tenant's representative accepted the Committee could have regard to previous decisions of the PRHP and in particular noted the previous decision of the Committee dated 6th March 2009 in connection with properties at 142 Fergus Drive. The Tenant's representative accepted that the properties at 142 Fergus Drive were of a similar size and locality to the subject property, although the Tenant's representative did indicate that he felt 142 Fergus Drive was in a slightly more desirable area than the subject property.

6 THE DECISION

The Committee had the following documents before them:-

- 1 Copy Form RO1, being the Landlords' application for registration of the rent dated 14th November 2008.
- 2 Determination by the Rent Officer dated 9th February 2009.
- 3 ROCAS Rent Register page in respect of the subjects confirming the Rent Officer's determination.
- 4 Letter from the Landlords' agents dated 6th February 2009 intimating their wish to appeal against the determined rent.
- 5 Written representations prepared by the Tenant's son dated 27th February 2009.
- 6 Letter from the Landlords' agents with copy photographs and details of other potentially comparative properties dated 27th March 2009.
- 7 List of comparable registered rents provided by the Committee's Clerk containing reference to properties at:-

- Flat 0/2, 142 Fergus Drive, Glasgow G20 6AT.
- Flat 2/1, 142 Fergus Drive, Glasgow G20 6AT.
- Flat 2/2, 6 Mingarry Street, Glasgow G20 8NT.

The Committee carefully considered the documents provided and the representations made by the parties at the hearing. The surveyor member of the Committee had also obtained details of other similar sized properties which were currently available to let in the same locality as the subject property.

The Committee were mindful in terms of Section 48(1) of The Rent (Scotland) Act 1984 which requires the Committee 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 dwellinghouse in question and to its state of repair and if any furniture is provided for use under the tenancy and the quantity, quality and condition of that furniture. The Committee are also required to assume in terms of Section 48(2) of The Act that "the number of persons seeking to become the tenant of similar dwellinghouses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of dwellinghouses in the locality which are available for letting on such terms".

The Committee accepted that there was evidence of other available rented accommodation of the same size and in the vicinity of the subjects. The Committee considered the comparables given by the Landlords' agent. The Committee's own investigations revealed that on average, an improved furnished two bedroom flat in the vicinity of Wilton Street, with double glazing and gas central heating is being advertised for rent at £7,200 per annum (£600 per month). From this figure the Committee agreed that it would be appropriate to make deductions to reflect the unfurnished nature of the subjects (5%) the lack of space heating (5%), the lack of double glazing (5%) the lack of modern fittings (10%) and the absence of white goods, carpets, floor coverings etc. (5%). The Committee after disregards for tenant's improvements and deductions as aforesaid (totalling 30%) considered the market rent for the first flat should be £5,040 per annum (£420 per month). The Committee cross

checked this rental figure with the comparable rents of the properties referred to by the Landlords' agent. The two bedroom property at Hayburn Street would appear to have been improved and would appear to have white goods, double glazing and central heating. Other similar properties would also appear to have the benefit of these additional items when compared to the subject property. After adjustment for these differences the monthly rental figure for these other properties is comparable with the assessment of the figure of £5,040 per annum for the subject flat, if furnished, free of required repairs, modernised with gas central heating, white goods and double glazing.

The Committee also considered the evidence of registered rent decisions for comparable houses in the area. The Committee noted that a similar sized flat on the ground floor of a property at 142 Fergus Drive, Glasgow had a registered rent of £5,220 per annum, registered after appeal to the PRHP in March 2009. The Committee were of the view that the property at Fergus Drive was comparable to the subject property. Accordingly the registered rent for the property at Fergus Drive was in line with the Committee's own assessment of the rent of £5,040 per annum for the property at Wilton Street. The second bedroom in the subject property was not a double bedroom, whilst the property at Fergus Drive had two double bedrooms.

Therefore the Committee decided that the appropriate market rent for the property at 113 Wilton Street, Glasgow would be £5,040 per annum (£420 per annum) being the market rental level for the modern furnished flat under deduction of the work required to reflect the differences. This figure was comparable with other registered rents of comparable properties within the same locality of the subject property. Having determined the market rent the Committee then considered whether they should be any scarcity deduction in terms of Section 48(2) of the 1984 Act. Applying its own skill, knowledge and experience, the Committee could find no evidence of excess demand for properties such as the subjects. The Committee noted that there appeared to be a large number of similar sized properties available for rent in the locality of the subjects. Both parties had agreed with the Committee that there was no significant scarcity of properties.

Having considered all relevant factors the Committee decided that the fair rent for the property at Flat 0/1, 113 Wilton Street, Glasgow was £5,040 per annum.

In reach 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 Eighth day of May. Two thousand and nine.

A Cowan

.....
Chairperson

15/5/09
.....
Date