



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:

RAC/G42/725

OBJECTION RECEIVED

24 December 2010

OBJECTION

Landlord

ADDRESS OF PREMISES

1/1, 165 Stanmore Road, Glasgow, G42 9AN

TENANT

Mrs Brown

NAME AND ADDRESS OF LANDLORD

West of Scotland Securities Co Ltd

AGENT

Ross & Liddell  
60 St Enoch Square  
Glasgow  
G1 4AW

DESCRIPTION OF PREMISES

First floor traditional tenement flat C. 1900 with gas central heating and double glazing comprising living room, three bedrooms, living kitchen and very small bathroom. The total floor space of the property is 128m<sup>2</sup>.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN

SURVEYOR

HOUSING PANEL MEMBER

A Cowan LLB(Hons) Dip LP

G Campbell FRICS

C Harvey

FAIR RENT

£ 5,400.00 p.a.

DATE OF DECISION

4 March 2010

EFFECTIVE DATE

4 March 2010

**A Cowan**

Chairman of Private Rented Housing Committee

4/3/10  
Date

**STATEMENT OF REASONS**  
**by**  
**PRIVATE RENTED HOUSING COMMITTEE**  
**in connection with**  
**INSPECTION HELD ON 4<sup>TH</sup> MARCH 2010**  
**of the property at**  
**Flat 1/1, 165 Stanmore Road, Glasgow G42 9AN**

**1 THE PARTIES**

The Landlord is Messrs West of Scotland Securities Company Limited, per their agents Messrs Ross & Liddell, 60 St Enoch Square, Glasgow G1 4AW. The Tenant is Mrs M Brown. The tenancy is a regulated tenancy in terms of The Rent (Scotland) Act 1984.

**2 BACKGROUND**

The current rent of the property is £3,350 per annum. The Landlord proposed an increased rent of £5,400 per annum. The Rent Officer determined a rent of £4,050 per annum effective from 11 December 2009. The Landlord appealed that determination to the Private Rented Housing Panel ('PRHP').

**3 THE INSPECTION**

The committee inspected the property which is a first floor flat in a three storey buff sandstone tenement block with tiled roof. The property consists of four rooms, kitchen and a very small bathroom. The total floor space of the property is 128m<sup>2</sup>. The windows of the property have recently been renewed with double glazed units. The property benefits from gas central heating. There is a secure door entry system. There is a communal backcourt which contains bin storage. The property is conveniently located for public transport links and local shops and services.

**4 THE HEARING**

The hearing was arranged for 10.45am on 4<sup>th</sup> March 2010 at the offices of the PRHP. The Tenant indicated that she did not wish to attend the hearing. The Landlord was represented at the hearing by Miss Clark of Messrs Ross & Liddell as the Landlord's agents. Miss Clark confirmed that the Landlord considered that a fair rent for the property was £5,400 per annum. She drew the Committee's attention to the decision of the Private Rented Housing Committee dated April 2009 in connection with a flat at 157 Stanmore Road, Glasgow. The Committee had agreed a fair rent of £4,920 per annum in respect of that property (which had one bedroom less than the subject property). The Landlord's agent considered that decision was a good guide for assessing the fair rent for the subject property. It was the Landlord's position that, given that the subject property had a further bedroom, the rent sought of £5,400 per annum was fair and reasonable. Miss Clark considered that the market rent in respect of a modern furnished three bedroom property of a similar size to the subject property would be over £600 per month. She exhibited to the Committee evidence of a flat for let in Battlefield Avenue, Glasgow which she maintained was in the same locality as the subject property and where the asking rent for that three bedroom property was £595 per month. Miss Clark recognised that there appeared to be an increase in demand for properties, particularly over the last six month period. She did not accept that there was as yet a substantial imbalance between persons seeking properties and the amount of properties available to let. Nonetheless she did indicate that she considered rents were beginning to rise due to the non availability of properties for let.

## 5 THE DECISION

The committee had the following documentations before them:-

- Copy Form RR1, being the Landlord's application for registration of the rent dated 16<sup>th</sup> December 2009.
- Letter from the Landlord's agents dated 15<sup>th</sup> December 2009.
- Determination by the Rent Officer dated 22<sup>nd</sup> December 2009.
- ROCAS Form.
- Copy letter from the Tenant dated 6<sup>th</sup> January 2010.
- List of comparable current rents provided by the Clerk containing reference to two properties at Flat 1/2, 157 Stanmore Road, Glasgow (PRHP Ref No RAC/G42/677) and Flat 1/1, 10 Overdale Gardens, Glasgow G41 (PRHP Ref No. RAC/G42/686).

The committee considered the documents provided.

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 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 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 the furniture."

The Committee are also required to assume in terms of Section 48(2) of the same 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 in exercising their own knowledge and experience of rents and comparable property in the area, and noting the details of other properties advertised for let in the area (in particular noting the evidence of the Landlord's agent in this respect) determined that a market rent in respect of a modern furnished property in the area of the subject property in respect of a similar size property to the flat at 165 Stanmore Road would be £600 per month.

The Committee further determined that the subject property at 165 Stanmore Road was let as unfurnished and the Tenant did not benefit from use of any white goods or carpets supplied by the Landlord. The kitchen fittings were not of a modern standard. The Committee therefore considered that a reasonable reduction was required to reflect the differences between the property at 165 Stanmore Road and the market rent for a modern furnished flat of the same size and in the same locality.

The Committee considered the costs of supplying appropriate furniture and appliances, replacing the kitchen fittings and redecorating the property and replacing the floor coverings would cost in the region of approximately £14,000. They considered that this capital expenditure would have a reasonable average life expectancy of 10 years. The Committee therefore considered that this justified the reduction of £1,400 from the assessed market rent for a modern furnished flat of the same size and location as the subject property. On a monthly basis the Committee determined that their total monthly reduction would be £116. On that calculation the appropriate market rent for 165 Stanmore Road would be £5,760 per annum (£480 per month).

In relation to the list of comparable properties provided by the Clerk to the Committee, the Committee did not consider that the flat at Overdale Gardens, Glasgow was a useful comparator to the current subjects. That property concerned was not in the same locality as the subject property. The Committee did, however, consider that the previous decision of the Rent Assessment Committee in relation to the property at 157 Stanmore Road was of assistance and did provide a useful comparison with the subject property.

A previous Private Rented Housing Committee had agreed a fair rent in the sum of £4,920 per annum for that property. That property had one less bedroom than the subject property. The Committee considered that the additional rent due in respect of the additional bedroom for the subject property would equate to £45 per month. Therefore using that method of calculation the Committee calculated that an appropriate market rent for 165 Stanmore Road would be £5,460 per annum (£455 per month).

Finally, the Committee noted that the Landlord considered that a fair rent in respect of the property was £5,400 per annum.

Having taken account of all the methods of calculation of the fair rent outlined above and applying their own skill and knowledge and experience the Committee decided that an appropriate market for 165 Stanmore Road would be £5,400 per annum (£450 per month).

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. Applying their own skill and knowledge and experience the Committee could find no evidence of excess demand for properties such as the subject property. The Committee did note the evidence of the Landlord's agent to the extent that there was an increase in demand for properties, but the Committee accepted that the demand for properties was at this time not substantially greater than the number of available properties to let. In the circumstances the Committee decided there was no significant scarcity of the property.

Having considered all relevant factors the Committee decided that the fair rent for the property at 165 Stanmore Road was £5,400 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 Fourth March Two thousand and ten.

# A Cowan

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Chairperson

4/3/10  
.....  
Date