



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

| REFERENCE NO: | OBJECTION RECEIVED | OBJECTION |
|----------------------|---------------------------|------------------|
| RAC/G42/750 | 18 May 2010 | Landlord |

ADDRESS OF PREMISES

0/1, 13 Hampden Terrace, Glasgow, G42 9XG

TENANT

Mr D Mitchell

NAME AND ADDRESS OF LANDLORD

Jessie McCreadie

AGENT

Macfie & Co
5 Cathkinview Road
Glasgow
G42 9EA

DESCRIPTION OF PREMISES

2 Bedroom ground floor flat in 4 storey tenement block of blonde sandstone construction with a tiled pitched roof.

Gross internal floor area is approximately 102 m2 or thereabouts

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR
HOUSING PANEL MEMBER

J Bauld LLB(Hons) DIP LP
S Hesp LLB(Hons) BA(Hons) MRICS
C Harvey

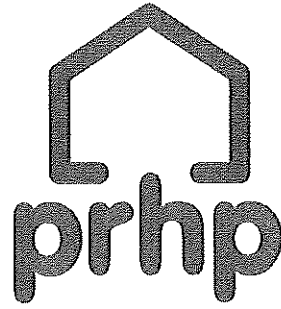
| FAIR RENT | DATE OF DECISION | EFFECTIVE DATE |
|------------------|-------------------------|-----------------------|
| £4,350 p.a. | 9 July 2010 | 9 July 2010 |

J Bauld

Chairman of Private Rented Housing Committee

5 August 2010

Date



**Decision and Statement of Reasons by
Private Rented Housing Committee
in connection with
Inspection and Hearing
held on 9th July 2010
in relation to the property at
Flat 0/1, 3 Hampden Terrace, Glasgow, G42 9XG**

Case Reference Number: RAC/G42/750

The Parties:-

The landlord of the property is Miss Jessie McCreadie per her agents Macfie & Company, 5 Cathkinview Road, Glasgow, G42 9EA.

The tenant is Mr D Mitchell. The tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

Background:-

1. The current rent for the property is £3,100 per annum (£258.33 per month). The landlord proposed an increased rent to £4,500 per annum (£375 per month). The Rent Officer determined a rent of £3,768 per annum (£314 per month) with effect from 7th June 2010. The landlord appealed that determination to the Private Rented Housing Panel.
2. The Private Rented Housing Committee consisted of James Bauld, Chairman, Sara Hesp, Surveyor Member and Christopher Harvey, Housing Member. The Committee inspected the property on 9th July 2010.
3. The property is contained within a 3 storey blonde sandstone tenement block with a tiled roof. The property is situated on the ground floor. The property consisted of living room, 2 bedrooms, kitchen, bathroom and hall. The tenant had converted the kitchen into a sitting room/kitchen. The gross internal floor area amounted to 101 square metres or thereby. The property has a gas central heating system

which had been installed with the benefit of a grant from a Scottish Government programme and was therefore treated as having been adopted by the landlord as a landlord's fixture. There was a secure door entry system. There was a communal back court area which contained the bin storage area. The communal back court area was neatly maintained and reasonably easy to access. The property is conveniently located for public transport links, local shops and services. The property has single glazed windows which were sash and case. The current rent of the property was £3,100 per annum (£258.33 per month.) The landlord had proposed an increase to £4,500 per annum (£375 per month). The Rent Office determined a rent of £3,768 per annum (£314 per month) with effect from 7th June 2010. The landlord appealed that determination to the Private Rented Housing Panel ("PRHP"). After the inspection of the property, a hearing took place which was conducted within the offices of the Private Rented Housing Panel. Neither the landlord nor the landlord's agents attended the inspection or the hearing. The tenant was present during the inspection but did not attend the hearing. The landlord's agent provided no information to the panel in support of their position that the appropriate rent should be £4,500. The tenant provided no information to the panel with regard to comparable rents in the locality. At the hearing, the members of the Committee required to base their decision upon the inspection of the property, the available documentation and their own knowledge and experience.

Decision

The Committee had the following documentation before them:-

- Copy form RR1 in respect of the property being the landlord's application for registration event dated 11th January 2009
- Determination by the Rent Officer dated 18th May 2010
- List of comparable registered rents provided by the clerk to the Panel containing reference to properties at Flat 2/2, 26 Battlefield Gardens, Glasgow, G43 9JP and Flat 3/1, 22 Lochleven Road, Glasgow, G42 9JU.

The Committee considered all the documents provided. The Committee also obtained details of other properties available for leasing in the area from newspaper advertisements and from internet sites.

4. The Committee were mindful of the provisions of Section 48(1) of the Rent (Scotland) Act 1984 which requires a Committee to have regard

to all of the circumstances (other than personal circumstances) and in particular to apply their knowledge and expertise of current rents with comparable property in the area as well as having regard to the age, character and locality of the dwellinghouse in question and to the state of repair of the property.

5. The Committee are also required to assume in terms of Section 48(2) of the said Act that "the number of persons wishing to become the tenant of similar dwellinghouses in the locality on the terms (other than those relating to rent) of a regulated tenancy is not substantially greater than the number of dwellinghouses in the locality which are available for letting on such terms."
6. The Committee took the view that the comparable property provided by the clerk at Flat 2/2, 26 Battlefield Gardens, Glasgow, G42 9JP was a reasonable comparable property. Although the comparable property had a smaller internal floor area, the Committee noted that the property at Hampden Terrace had a fairly large hallway which may have explained the difference in the comparable floor areas. The Battlefield gardens area was in close proximity to Hampden Terrace and properties within the two areas were reasonable comparables. The Committee, from their own knowledge and experience were also aware that the range of rents for flats within the general area of properties such as the property of the Hampden Terrace range from £450 to £560 per month. These rents related to flats in Stanmore Road, Summerville Drive and other streets in the general Battlefield and Mount Florida areas. The properties in question contained flats which were either modern or which had been upgraded to modern standards. The Committee, exercising its knowledge and expertise, took the view that a fair market rent for a fully modernised flat of similar size and location to the subject property would be £475 per month or £5,700 per annum. The Committee took this view on the basis that the 2 bedrooms within the subject property were both of a smaller size than in many similar properties in the area and in particular the second bedroom was much smaller than would be expected.
7. The Committee further determined that the subject property was let as unfurnished and did not benefit from any white goods or carpets supplied by the landlord. The Committee also determined that in the subject property the kitchen and bathroom fittings were not of a modern standard. The Committee also determined that the property was not provided with double glazing. The Committee therefore considered that a reasonable deduction was required to reflect the difference between the subject property and the market rent for a modern flat of the same size and in a similar location. The Committee considered the costs of supplying appropriate carpeting and appliances, replacing the bathroom and kitchen fittings with modern equivalents and installing double glazing. The Committee took the view that a reasonable cost of these works would be £16,500, being

£3,000 for the kitchen, £3,000 for the bathroom, £7,500 for double glazing and £2,500 for carpets and floor coverings. The Committee considered that this capital expenditure would have a reasonable average life expectancy of 10 years in respect of the carpeting, floor coverings and bathroom and kitchen fittings and 15 years in respect of the double glazing. The Committee therefore considered that this justified a reduction of £1,350 per annum from the assessed market rent for a modern flat of the same size and location as the subject property. The Committee therefore decided the appropriate market rent for the property would be £4,350 per annum (£362.50 per month) being the market rental level for the modern flat under deduction of the work required to reflect the differences between such a modern flat and the subject property.

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. Applying its own skill, knowledge and experience, the Committee could find no evidence of excess demand for properties such as the property under inspection and noted also that there appeared to be a large number of similar sized properties available for rent in the locality of the subjects. The Committee accordingly determined that there was no significant scarcity of properties.
9. Having considered the relevant factors the Committee decided that the fair rent for the property at Flat 0/1, 3 Hampden Terrace, Glasgow should be £4,350 per annum (£362.50 per month).
10. In reaching this decision the Committee has had regard to all the considerations required to be taken into account in terms of Section 48 of the Rent (Scotland) Act 1984.

11. This decision takes effect from 9th July 2010.

Signed **J Bauld**
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Date *5 August 2010*

James Bauld, Chairperson

Signature of Witness **G Williams** Date.....*5/8/10*.....

Name, address and occupation of the witness (please print):-

GILLIAN WILLIAMS, SENIOR COURT ADMINISTRATOR.

7 West George Street
Glasgow, G2 1BA