



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G40/753	26 May 2010	Landlord

ADDRESS OF PREMISES

19 Kinnear Road, Glasgow, G40 3JS,

TENANT

Mr D Miller

NAME AND ADDRESS OF LANDLORD AGENT

Thenew H.A.
Bridgeton Area Office
2 Main Street
Bridgeton
Glasgow
G40 1HA

DESCRIPTION OF PREMISES

Modern brick and tile mid terraced two storey house with gas central heating and double glazing, comprising on ground floor two double bedrooms, bathroom on half landing and large living room and kitchen on upper floor.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN	Mr R Handley LLB
SURVEYOR	Mr A English FRICS
HOUSING PANEL MEMBER	Mr S Campbell

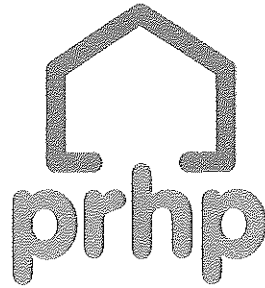
FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£4200.00 p.a.	5 August 2010	28 April 2010

R Handley

Chairman of Private Rented Housing Committee

23 August 2010

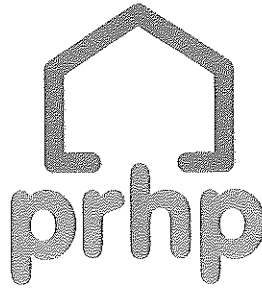
Date



PRIVATE RENTED HOUSING COMMITTEE

STATEMENT OF REASONS

PROPERTY: 19 KINNEAR ROAD, GLASGOW



PRIVATE RENTED HOUSING COMMITTEE

HELD ON: 5 AUGUST 2010

PROPERTY: 19 KINNEAR ROAD, GLASGOW, G40 3JS

STATEMENT OF REASONS

Introduction

1. This is a reference to the Private Rented Housing Panel ("the PRHP") for the determination of a fair rent under the Rent (Scotland) Act 1984 by the landlords, The new Housing Association, 2 Main Street, Bridgeton, Glasgow, in respect of the property at 19 Kinneare Road, Glasgow ("the dwellinghouse"). The tenant is Mr Duncan Miller.
2. The Committee noted that the appellant had made a previous application to the Rent Assessment Committee (now the PRHP) and on 2 March 2007 a Committee had found that a fair rent for the dwellinghouse was £4,200 per year. However it was also noted that the landlords did not impose that rent and charged the tenant an annual rent of £3,293.76. The landlords have now applied for an annual rent of £3,901.20. The Rent Officer determined a rent of £3,293.76 per year.

The Documentation

3. The Committee had the following documents before it: a copy of the Statement of Reasons in respect of the dwellinghouse which was issued by a Rent Assessment Committee on 2 March 2007 and a Statement of Reasons in respect of property at 2/2, 33 Main Street, Glasgow. We also had the tenant's representations and the Rent Register documents.

The Inspection

4. The tenant was not present at the inspection. The landlords did not attend the inspection and were not represented. Mr Robert Shea (Clerk to the Committee), introduced the Committee to Mrs Miller (the tenant's wife) who was present throughout the course of the inspection. Mrs Miller

advised the Committee that her husband was at his work - he had understood that the inspection and Hearing had been scheduled to take place on 6 August 2010. The Committee was satisfied that intimation of the date and time of the inspection and the Hearing had been properly intimated to the parties. Consequently we determined that it was appropriate to proceed.

The Dwellinghouse

5. The dwellinghouse is located at 19 Kinnear Road in the Dalmarnock area of Glasgow and is a mid terraced house built around 1990. It has an internal floor area of around 65 square metres. The walls are brick and the roof is tiled. The dwellinghouse has full double glazing and gas central heating. The tenant has the exclusive use of a small front garden and a larger rear garden, both of which are maintained by the tenant. The dwellinghouse is generally well maintained.
6. The front door opens to a vestibule and hallway, off which are two double bedrooms, the smaller one facing to the front and the larger one (main bedroom) to the rear. The main bedroom has a built in cupboard.
7. A stairway leads to the bathroom (situated half way up the stair and facing the rear of the dwellinghouse). The bathroom has a WC, wash hand basin and bath (with shower provided by the tenant).
8. The living room is situated on the first floor. The living room has two windows facing the front of the dwellinghouse. The tenant has installed the laminate flooring.
9. The kitchen is situated off the living room and contains units and a sink. An electric cooker and washing machine are provided by the tenant. There are adequate electrical points.

The Hearing

10. The tenant had requested a Hearing but he did not attend and neither did the landlords. At the inspection Mrs Miller advised us that she would attempt to contact her husband at his work and advise him that the Hearing was scheduled to take place at 11.00am. We were mindful that although the tenant had been unable to attend the inspection, he might be able to get time off work to allow him to attend the Hearing. Accordingly the Committee attended at the Hearing venue but the tenant did not attend and no phone calls or e-mails were received from him.

Decisions and Reasons

11. Section 48 of that Act provides that:

(1) In determining for the purposes of this part of the Act what rent is or would be a fair rent under a regulated tenancy of a dwellinghouse, it shall

be the duty of the rent officer or, as the case may be, of the rent assessment committee, subject to the provisions of this section, 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, to the quantity, quality and condition of the furniture.

(2) For the purposes of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwellinghouses in the locality on the terms (other than those relating to the rent) of the regulated tenancy is not substantially greater than the number of such dwellinghouses in the locality which are available for letting on such terms.

12. In terms of section 48 of the Rent (Scotland) Act 1984, the Committee is required to fix a rent that is or would be a fair rent under a regulated tenancy.
13. The Committee noted that no service charge was made and no services provided.
14. Neither party had presented any evidence or information about rents (either in the open market or under registered rents terms) which could be used by the Committee as comparables.
15. The Committee considered that to establish a fair rent it was appropriate to compare open market rents and thereafter review what might be an appropriate deduction for scarcity.
16. In regard to the property at 2/2 33 Main Street, Bridgeton, Glasgow (the Statement of Reasons was before us), we noted that this property was a traditional second floor tenement flat. It had single glazing and there appeared to be some drainage problems in the common ground to the rear of the property. We noted that in determining that case the Committee made deductions to take account of the condition of that property. We concluded that the property at 2/2 33 Main Street was of limited value in determining a fair rent for the dwellinghouse.
17. From its own experience, knowledge and from the information available in the Property Departments of local Estate Agents, the Committee was of the opinion that a fully furnished two bedroom apartment (with garden ground) would be available for rent of around £475 per month ("the market rent").
18. The Committee was of the opinion that the condition of the dwellinghouse was such that no adjustment in the market rent would have to be made on account of any defects. The Committee was also of the view that there was minimal scarcity in relation to properties similar to the dwellinghouse

and in a similar location. This was demonstrated by the number of similar properties available for let in the area.

19. However the Committee considered that a number of deductions should be made to take account of various factors,

Thus:

Market rent (per month)		£475
Less allowance – furniture	£50	
Less allowance – carpets, white goods etc	£30	
Less allowance – market resistance to a bare house*	£45	
		<u>£125</u>
		<u>£350</u>

* The Committee were of the opinion that there is a good supply of prospective tenants who would be willing to supply their own furniture for a part furnished house (landlord providing carpets and white goods). However, given the good supply of part furnished houses to let there would be few tenants who would be prepared to carpet a house at their own expense without receiving some reduction in rent level. The committee are of the opinion that a further deduction of approximately 10% from the net rent was appropriate.

20. Taking into account all the circumstances, which the Committee is required to take into account, the Committee concluded that a fair rent for the dwellinghouse would be £4,200 per year.

R Handley

..... Chairman

..... 23 AUGUST 2016 Date