

**PRIVATE RENTED HOUSING PANEL****RENT (SCOTLAND) ACT 1984****Notification Of Decision By The Private Rented Housing Committee**

<b>REFERENCE NO:</b>	<b>OBJECTION RECEIVED</b>	<b>OBJECTION</b>
RAC/G13/759	28 June 2010	Tenant

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**ADDRESS OF PREMISES**  
Flat J 1/9, 1618 Great Western Road, Glasgow, G13 1HQ

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**TENANT**  
Mr M Taylor

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<b>NAME AND ADDRESS OF LANDLORD</b>	<b>AGENT</b>
Gauld Properties Ltd 22 Milnpark Street Glasgow G41 1BB	

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**DESCRIPTION OF PREMISES**  
First and second floor maisonette in non-traditional 5 storey building C.1960 with commercial property on ground floor and 2 rows of 9 maisonettes on upper four floors, with rear walkway access, comprising 3 rooms, kitchen and bathroom. Gross internal floor area is approximately 63 sq. m. With partial double glazing.

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**SERVICES PROVIDED**  
None

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**COMMITTEE MEMBERS**

<b>CHAIRMAN</b>	J Taylor LLB Dip LP NP
<b>SURVEYOR</b>	M Links FRICS
<b>HOUSING PANEL MEMBER</b>	S Campbell

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<b>FAIR RENT</b>	<b>DATE OF DECISION</b>	<b>EFFECTIVE DATE</b>
£ 3,975.00 p.a.	8 September 2010	8 September 2010

**J Taylor**

Chairman of Private Rented Housing Committee

14<sup>th</sup> September 2010

Date



## **STATEMENT OF REASONS**

*in connection with*

### **INSPECTION AND HEARING HELD ON 8<sup>th</sup> September 2010**

*In relation to the property*

*Flat J 1/9, 1618, Great Western Road, Glasgow, G13 1HQ.*

#### **1. THE PARTIES**

The Landlords are Gauld Properties Limited. The tenant is Mr M Taylor, He has been a tenant of the property for 28 years.

The tenancy is a registered tenancy in terms of the Rent (Scotland) Act 1984.

#### **2. BACKGROUND**

The current rent is £3350 per annum. The landlords applied for the rent to be increased to £4560. The Rent Officer registered a rent of £4000 per annum with effect from 1<sup>st</sup> June 2010. The Tenant referred the determination to the Private Rented Housing Panel ('PRHP').

#### **3. THE INSPECTION**

The committee inspected the property, which is a maisonette first and second floor flat in five storey non traditional building, which dates from circa 1960. On the ground floor of the building there are shops and offices and maisonette flats are on the upper four floors. The maisonette flats are accessed from the front via a communal door and the rear via a communal stair and access walkway. The communal door entry control panel had been vandalised and was not working.

The accommodation comprises 3 rooms, kitchen and bathroom. There is a small balcony to the rear, accessed from a connecting door in the rear bedroom.

The kitchen units had been replaced by the Tenant. The landlords had replaced the bathroom fittings approximately three years ago.

The windows to the front of the property, the windows in the rear bedroom and the door to the balcony had been replaced with UPVC double glazed units by the landlords. However the window in the kitchen and bathroom were the original single glazed windows in metal and wood casings.

There was evidence of dampness in the two bedrooms. The Tenant advised that the dampness in the front bedroom became apparent two years ago when he was stripping the wall paper and decorating the room. He has been unable to progress the redecoration of the bedroom due to the dampness.

The floor area of the property is approximately 63 square metres.

There is no central heating in the property. The water is heated by an immersion heater provided by the landlords.

There is a communal parking area at the rear of the tenement. The surface of the communal area is in a poor state of repair as there are many potholes. The bin storage area is located at the rear.

The property is conveniently situated for public transport and local services.

The rent includes the cleaning of the communal stair on a weekly basis. No receipts were provided by the Landlords for the cost of this service, which is believed to amount to less than 5% of the rent.

#### **4. THE HEARING**

A hearing was held in the PRHP offices following the inspection. The Tenant attended but the Landlord did not attend and was not represented.

The Tenant advised the committee as follows:-

- He was not aware of rents of comparable properties in the area.
- There is graffiti to the walls of the common areas.
- The communal door entry system at the front of the property has been vandalised and does not work. As a result he has to meet visitors at the front door and let them in or alternatively they have to go round the back of the property to gain access. This is a significant inconvenience.
- His main complaint relates to the size of the rent increase especially when interest rates are so low.
- There is dampness in the main bedroom of the property and the factors had a surveyor inspect property. The surveyors had advised the Tenant that there was a problem with the main fabric of the building.

- He acknowledged that his property is considerably smaller than two bedroom tenement flats, and he thought that his flat may be one half or one third smaller than a two bedroom tenement flat.
- He advised that there is a communal car park at the rear but explained that he is unable to use it due to the risk of vandalism. He also advised that there are a considerable number of pot holes in the surface of the car park, which is in need of repair.
- In summary he explained that he considers the rent sought by the Landlord to be too high as there are outstanding repairs.

## **5. THE DECISION**

The committee had the following documents before them:-

- A copy of form RR1, the Landlords' application for registration of the rent.
- Written Representations from the Tenant, and also the neighbouring tenants J Wallace (Flat E), C Smith (Flat H) and C Rankin (Flat G), which stated:

'In this current economic climate, we feel that an increase of 20% is extremely excessive and unfair.

Furthermore, this increase took effect within 3 days of receipt of notification.

We have many ongoing issues with the landlord regarding repairs and maintenance of this property.

This includes ingress of water, severe dampness, mould and mildew spores which are known to cause ill health problems. Many window frames are rotting and doors are ill fitting.

Due to a lack of response from the landlord, many repairs and improvements are reluctantly carried out at the tenants' expense, although tenants are only liable for internal decoration and maintenance of glass.

Lack of general maintenance of the fabric of the building resulting in slum like external appearance; the last maintenance programme having been carried out more than 25 years ago.'

- List of comparable rents, provided by the clerk:-

Address	Accommodation	Description	Effective date	Registered Rent
3/1, 40 Apsley Street, Glasgow, G11 7SW	1 room, kitchen and bathroom. 52 sq.m	Third Floor tenement flat	31 <sup>st</sup> August 2009	£3150
2/R, 2 Kennoway Drive, Glasgow, G11 7UB	1 room, living kitchen and bathroom.	Second Floor tenement flat	29 <sup>th</sup> October 2009	£3200

Main Door, 93 Turnberry Road, Glasgow, G11 5AS	5 apartments, internal kitchen and bathroom. Approximate floor area 120 sq m	Basement flat in 3 storey and basement grey sandstone tenement built circa 1880	5 <sup>th</sup> March 2010	£6800
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The committee considered the representations made by the Tenant and the documents provided. Separately the committee had obtained details of a number of other similar sized properties available to lease in the area, from newspaper advertisements and the internet. The rents of these properties ranged from £450 to £625 per month.

These properties were two bedroom properties and were flats in traditional tenements. They were improved properties with double glazing and central heating. They had modern bathrooms and kitchens and were provided with carpets, curtains and appliances. Also the properties at the higher end of the range were furnished.

The committee considered this evidence and reflected that the property Flat J 1/9, 1618 Great Western Road, Glasgow was a non traditional maisonette flat with a significantly smaller floor area than two bedroom flats in traditional tenements. Also the property was only partially double glazed and had no central heating. The property suffered from dampness. The up dated kitchen fitments had been provided by the Tenant.

Therefore they decided that the market rent of an improved property comparable to Flat J 1/9, 1618 Great Western Road, Glasgow was £450 per month (£5400 per annum). The committee acknowledged that an adjustment was required to reflect the fact that the property (Flat J 1/9, 1618 Great Western Road, Glasgow) was unfurnished, there was dampness in the property, it was only partially double glazed and had no central heating. Also The Tenant had provided the replacement kitchen units and no decoration, floor coverings or appliances were supplied by the landlords. They considered that a deduction of £118.75 per month (£1425) was reasonable to reflect these differences.

The committee were mindful of the 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 dwelling house in question and to its state of repair and, if any furniture is provided for use under the tenancy, and to the quantity, quality and condition of the furniture'. Also section 48(2) which requires them to 'assume that the

number of persons seeking to become tenants of similar dwelling- houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling- houses which are available to let on such terms.'

The committee acknowledged that there is a plentiful supply of similar properties to rent in the area and therefore there is no scarcity of supply of such properties at this time.

After consideration of all these factors the committee decided that the fair rent for the property was £3975 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 the 8th day of September Two thousand and ten.

.....**J Taylor**.....

Chairperson, 14<sup>th</sup> September 2010