



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G11/859	21 June 2012	Landlord

ADDRESS OF PREMISES

3/1, 24, Hayburn Street, Glasgow, G11 6DG

TENANT

Mrs M & Mr S Haggerty

NAME AND ADDRESS OF LANDLORD AGENT

Partick Housing Association Ltd
10 Mansfield Street
Glasgow
G11 5QP

DESCRIPTION OF PREMISES

Third or top floor traditional tenement flat C.1890 with single glazing and no central heating comprising 4 rooms, kitchen and bathroom. Gross internal floor area is approximately 95 square metres.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN	J Taylor LLB Dip LP NP
SURVEYOR	K Bruce MRICS
HOUSING PANEL MEMBER	S Campbell

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 4,560 p.a.	9 August 2012	23 February 2012

J Taylor

Chairman of Private Rented Housing Committee

22/8/12

Date



STATEMENT OF REASONS

in connection with

INSPECTION AND HEARING HELD ON 9th August 2012

In relation to the property

Flat 3/1, 24, Hayburn Street, Glasgow, G11 6DF

1. THE PARTIES

The Landlords are Partick Housing Association Limited, 10 Mansfield Street, Glasgow, G11 5QP.

The Tenant is Mr and Mrs S Haggerty. They have been residents of the property since 30th June 1983.

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

2. BACKGROUND

The current rent is £2777.52 per annum (£231.46 per month). The Landlords applied for the rent to be increased to £3649.08 per annum (£304.09 per month). The Rent Officer registered a rent of £3150 per annum (£262.50 per month) with effect from 23rd February 2012. The Landlords referred the determination to the Private Rented Housing Panel ('PRHP').

3. THE INSPECTION

On the morning of 9th August 2012 the committee inspected the property. The Tenants, Pauline Joyce & Lynn Donnelly of Partick Housing Association were present at the inspection.

The property is a dated top floor flat in a four storey traditional red sandstone tenement, which dates from circa 1890.

The tenement has a tiled roof, a communal door entry system and had been refurbished and upgraded in the past.

The accommodation comprises living room, three bedrooms, dining kitchen and bath room.

The kitchen and bathroom fittings are dated. There is no central heating in the property however the Landlords had installed a gas fire in the living room. Hot water is provided by an immersion heater. The windows throughout the property are single glazed.

The floor area of the property is approximately 95.5 square metres.

There is a communal area at the rear of the tenement and the bin storage area is located here. The property is conveniently situated for public transport and local services.

No services are provided by the landlord.

4. THE HEARING

The parties did not attend the hearing that had been arranged.

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 Landlords which state that they wish to appeal the rent awarded on the basis of the comparison of the property 256 Dumbarton Road, Glasgow. The rent registered on 29th February 2012 was £3737.04.

The committee considered the documents provided.

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 carefully considered which of the three methods of assessing the rent was appropriate in this case. The three recognised methods used in Scotland are (1) determining the fair rent by reference to comparable registered rents in the area. (2) determining the fair rent by reference to

market rents of comparable properties allowing for appropriate deductions for scarcity and (3) determining the fair rent by reference to the anticipated annual return based on the capital value of the property. None of these methods is the primary method. The appropriate method depends on the facts and circumstances of each case.

Separately the committee had obtained details of a number of other similar sized properties available to lease in the area from the internet. The rents of these properties ranged from £525 to in excess of £1000 per month. In light of this evidence the committee considered that the method of using comparable market rents was the best evidence available and proceeded to assess the rents of the properties using this method.

These properties were three bedroom properties with kitchen and bathroom. The committee acknowledged that there is a reasonable supply of similar properties to rent in the area and therefore there is no scarcity of supply of such properties at this time.

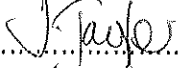
The Committee considered the details of the other properties available to rent in the area. They were largely situated in more desirable locations within Partick and the west end of Glasgow and they were also improved properties which were provided with carpets and curtains. The properties at the higher end of the range were also furnished. The committee considered the rental evidence provided by the Landlords.. No details of the particular features of the properties were provided and therefore the committee found this evidence to be of limited value.

The committee considered the market evidence and reflected that the market rent of properties comparable to Flat 3/1, 24 Hayburn Street, Glasgow was £ 550 per month (£ 6600 per annum). The committee acknowledged that an adjustment was required to reflect the fact that the property (3/1, 24 Hayburn Street, Glasgow) is unimproved with dated kitchen and bathroom fittings; it has single glazed windows and no central heating; it is located in a less desirable area than the comparable properties and it does not have the traditional features typical for a property of this size, also the accommodation is unfurnished and no decoration or floor coverings are supplied by the Landlords. They considered that a deduction of £2040 per annum was reasonable to reflect these differences.

After consideration of all these factors the committee decided that the fair rent for the property was £4560 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 23rd day of February Two thousand and twelve.

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Chairperson, 22nd August 2012



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G11/858	21 June 2012	Landlord

ADDRESS OF PREMISES

2/1, 20, Hayburn Street, Glasgow, G11 6DF

TENANT

Mr H McLaughlin

NAME AND ADDRESS OF LANDLORD	AGENT
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Partick Housing Association Ltd
10 Mansfield Street
Glasgow
G11 5QP

DESCRIPTION OF PREMISES

Second floor modernised traditional tenement flat C.1890 with double glazing and gas central heating comprising 2 rooms, kitchen and bathroom. Gross internal floor area is approximately 54 square metres.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN	J Taylor LLB Dip LP NP
SURVEYOR	K Bruce MRICS
HOUSING PANEL MEMBER	S Campbell

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 3,600 p.a.	9 August 2012	23 February 2012



Chairman of Private Rented Housing Committee

22/8/12

Date



STATEMENT OF REASONS

in connection with

INSPECTION AND HEARING HELD ON 9th August 2012

In relation to the property

Flat 2/1, 20, Hayburn Street, Glasgow, G11 6DF

1. THE PARTIES

The Landlords are Partick Housing Association Limited, 10 Mansfield Street, Glasgow, G11 5QP.

The Tenant is Mr H MCLaughlin. He has been a resident of the property since 28th August 1986. His tenancy is a registered tenancy in terms of the Rent (Scotland) Act 1984.

2. BACKGROUND

The current rent is £2476.32 per annum (£206.36 per month). The Landlords applied for the rent to be increased to £3253.32 per annum (£271.11). The Rent Officer registered a rent of £3084 per annum (£257 per annum) with effect from 23rd February 2012. The Landlords referred the determination to the Private Rented Housing Panel ('PRHP').

3. THE INSPECTION

On the morning of 9th August 2012 the committee inspected the property. The Tenant, and Pauline Joyce & Lynn Donnelly of Partick Housing Association were present at the inspection.

The property is an improved second floor flat in a four storey traditional red sandstone tenement, which dates from circa 1890.

The tenement has a tiled roof, a communal door entry system and had been refurbished and upgraded in the past.

The accommodation comprises lounge, double bedroom, dining kitchen and bath room.

The kitchen and bathroom fittings have been replaced in recent years and gas central heating was installed last year. The windows throughout the property are double glazed.

The floor area of the property is approximately 54 square metres.

There is a communal area at the rear of the tenement and the bin storage area is located here. The property is conveniently situated for public transport and local services.

No services are provided by the landlord.

4. THE HEARING

The parties did not attend the hearing that had been arranged.

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 Landlords which state that they wish to appeal the rent awarded on the basis of the comparison of the properties 1/2, 24 Stewartville Street, Glasgow and 2/2, 1 Merkland Street, Glasgow. The rents registered on 29th February 2012 and 27th November respectively was £3253.32.

The committee considered the documents provided.

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 carefully considered which of the three methods of assessing the rent was appropriate in this case. The three recognised methods used in Scotland are (1) determining the fair rent by reference to comparable registered rents in the area. (2) determining the fair rent by reference to

market rents of comparable properties allowing for appropriate deductions for scarcity and (3) determining the fair rent by reference to the anticipated annual return based on the capital value of the property. None of these methods is the primary method. The appropriate method depends on the facts and circumstances of each case.

Separately the committee had obtained details of a number of other similar sized properties available to lease in the area, from the internet. The rents of these properties ranged from £425 to £495 per month. In light of this evidence the committee considered that the method of using comparable market rents was the best evidence available and proceeded to assess the rents of the properties using this method. These properties were one bedroom properties with kitchen and bathroom. 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.

The Committee considered the details of the other properties available to rent in the area. They were largely situated in more desirable locations within Partick and they were also provided with carpets and curtains and the properties at the higher end of the range were also furnished. The committee also considered the rental evidence provided by the Landlords. No details of the particular features of the properties were provided and therefore the committee found this evidence to be of limited value.

The committee considered the market evidence and reflected that the market rent of properties comparable to Flat 2/1, 20, Hayburn Street, Glasgow was £ 425 per month (£ 5100 per annum). The committee acknowledged that an adjustment was required to reflect the fact that the property (2/1, 20 Hayburn Street, Glasgow) was located in a less desirable part of Partick than the comparable properties, it was unfurnished and no decoration, floor coverings or appliances were supplied by the Landlords. They considered that a deduction of £1500 per annum was reasonable to reflect these differences.

After consideration of all these factors the committee decided that the fair rent for the property was £3600 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 23rd day of February Two thousand and twelve.

J Taylor

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Chairperson, 22nd August 2012