



Determination by Private Rented Housing Committee

Statement of Reasons for Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 24 of the Housing (Scotland) Act 1988

Case Reference Number: PRHP/RA/15/0301

Introduction:-

1. This is a reference to the Private Rented Housing Committee in respect of the property at 52 Innerwick Drive, Hillington, Glasgow, G52 2HY. The landlords are Gauld Properties Limited. The tenant is Mr Benjamin Jack. The tenancy is a Statutory Assured Tenancy under the Housing (Scotland) Act 1988 ("the Act").
2. On 28th October 2015 the landlords served a notice on the tenant under Section 24(1) of the Act indicating that they intended to increase the rent on the property from £454.17 (£5450 per annum) per month to £500 per calendar month (£6000 per annum) with effect from 1st May 2016. The tenant timeously objected to that proposed increase by referring the proposed increase to the Private Rented Housing Panel by lodging Form AT4.
3. The matter was referred to a Private Rented Housing Committee and both parties were invited to make written representations. Both parties were also notified that an inspection and hearing would take place and were invited to attend the inspection and hearing. The inspection took place at the property on 18 January 2016. Both parties indicated in advance of the inspection that they did not wish to attend a hearing and were happy to allow the Committee to rely upon the evidence gained at the inspection and from the written representations which they had made.

The Inspection

4. The Committee inspected the property on 18th January 2016. The Committee consisted of:-

Mr James Bauld - Chairperson

Ms Carol Jones - Surveyor member

Findings of Fact

5. The property is a traditional style upper cottage flat in the Cardonald/Hillington area of Glasgow. The accommodation consists of living room, 3 bedrooms, hall, kitchenette and bathroom. The roof of the property was tiled. The windows within the property were a mixture of single and double glazed UPVC units throughout the property. Central heating had been installed in the property by the tenant's father a number of years ago with the benefit of a grant from the Scottish Executive. There is garden ground allocated to the property to the side and rear. The property is well located for local amenities and public transport. Externally the building is consistent with its age and type of construction and is generally sound.
6. Internally the flat is in reasonable condition, however the bathroom and kitchen are in need of modernisation. Within the kitchen, there are no wall units which have been provided by the landlord. There is only one small worktop area between a cupboard containing a water tank and the sink. No worktops are provided on the other side of the kitchen. No appliances are provided by the landlord. The electrical wiring appears to be dated by modern standards.
7. The subjects are let unfurnished and the present tenant has occupied the property for over 50 years. It was previously his parent's house and he now occupies the property on his own.
8. A new boiler was installed by the landlord a few years ago. The pipe work and the boiler in the hall have now been boxed in by the tenant. The property is in a reasonable state of decoration.

The Law

9. The Committee is bound to fix a market rent for the subjects by applying the terms of the Act. The Committee is required to determine the rent at which, subject to certain assumptions in the Act, the Committee considers that the subjects might reasonably be expected to achieve if they were let on the open market by a willing landlord under an assured tenancy. There is no single preferred method for fixing the market rent. It is for the Committee to determine based on the evidence before it the best method to fix the market rent.
10. The Committee accordingly considered a variety of properties which were available for let in the area and which were advertised on various property websites. The Committee noted that there were a number of flats available within the Hillington area close to the property with advertised monthly rents ranging from £500 per month to £595 per month. The majority of these flats were advertised at rents between £550 per month and £575 per month. The properties which were advertised were all modernised and were fully provided with appliances, carpets and curtains and in some cases the properties were also furnished. The Committee considered this evidence together with the documentation provided by both the landlord and the tenant. The Committee took the view that the market rent for properties comparable to 52 Innerwick Drive, Glasgow, assuming it was fully modernised and had all the usual facilities associated with such a property would be in the range of £550 to £575 per month. The Committee accordingly took the view that the rent which might be achieved for such a flat would be approximately £562.50 per month or £6,750 per annum. The Committee were aware that previous Committees had made determinations in respect of this property, the most recent being in May 2014 where the market rent had been fixed at £5,450 per annum. The Committee took the view that since the date of their inspection there was no evidence of any significant increase in rental values of these types of cottage flats within the Cardonald and Hillington areas

although rents had increased slightly. The Committee also acknowledged that an adjustment was required to reflect the fact that the property at 52 Innerwick Drive was let on an unfurnished basis with partial double glazing. The Committee also took the view that deductions were appropriate in respect of the fact that the bathroom and kitchen within the property were not modernised, no appliances were provided by the landlord and although the landlord had installed a new boiler, the central heating system had been installed by the tenant's father. Further deductions should be made in respect of the internal decoration, flooring and wiring within the property. The Committee noted that no works had been carried out to this property by the landlord since the date of the last inspection which would have improved this property. The Committee considered that a deduction should be made and the deduction should be at a level which was reasonable to reflect the differences between the property being examined and the properties generally available in the area. The committee took the view that the appropriate deduction required to reflect the matters listed would be £1,300 per annum

11. In view of the foregoing, the Committee decided that the open market rent should remain at £5,450 per annum. The Committee noted that no services are provided by the landlord. In reaching this decision the Committee had regard to all the circumstances required to be taken into account in terms of Section 25 of the Housing (Scotland) Act 1988.
12. Accordingly, the Committee decided that the market rent for this property should be £5,450 per annum and this rent should take effect from 1st May 2016, the date indicated in the Form AT2 submitted by the landlord and served on the tenant.
13. The decision of the Committee was unanimous.

Signed ... **J Bauld**

Date *5 February 2016*

James Bauld, Chairperson

Signature of Witness. **C Mullen**

Date *5 Feb 2016*

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

CLAIRE MULLEN, SOUCITOR
7 West George Street
Glasgow, G2 1BA



PRIVATE RENTED HOUSING PANEL

Housing (Scotland) Act 1988

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

PRHP/RA/15/0301

APPLICATION RECEIVED

28 October 2015

ADDRESS OF PREMISES

52 Innerwick Drive, Hillington, Glasgow, G52 2HY

TENANT

Mr Benjamin Jack

NAME AND ADDRESS OF LANDLORD

Gauld Properties Limited
22 Milnpark Street, Glasgow, G41 1BB

AGENT

RENTAL PERIOD

Monthly

DATE TENANCY COMMENCED

September 2004

DESCRIPTION OF PREMISES

Upper cottage flat within two storey block of four flats C.1930 with gas central heating and partial double glazing comprising 4 rooms, kitchenette and bathroom, with relative garden ground.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRPERSON
SURVEYOR MEMBER
HOUSING MEMBER

James Bauld
Carol Jones

PRESENT RENT

£5,450.00

PROPOSED RENT

£6,000.00

DETERMINED RENT

£5,450.00

DATE OF DECISION

8 February 2016

EFFECTIVE DATE

1 May 2016

J Bauld

Chairperson of Private Rented Housing Committee

1/3/16

Date 1 March 2016