



PRIVATE RENTED HOUSING PANEL

Housing (Scotland) Act 1988

28 APR 2016

Register Of Rents Determined Under Short Assured Tenancies

REFERENCE NO.

PRHP/RS/16/0049

APPLICATION RECEIVED

9 February 2016

ADDRESS OF PREMISES

206B Montrose Street, Brechin, Angus, DD9 7DZ

TENANT

Mr Fraser Clark

NAME AND ADDRESS OF LANDLORD

Carling & Co Ltd
1 Faraday Court, Dundee, DD2 3UD

AGENT

Carling and Co Ltd

RENTAL PERIOD

6 months and monthly thereafter

DATE TENANCY COMMENCED

28 April 2015

DESCRIPTION OF PREMISES

first floor flat in 3 storey block above public house of stone and slate construction in residential area of Brechin dating from 1900

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRPERSON
SURVEYOR MEMBER
HOUSING MEMBER

Judith Lea
Sara Hesp

PRESENT RENT

£5,400.00

DETERMINED RENT

£4800.00

DATE OF DECISION

22 April 2016

EFFECTIVE DATE

22/4/2016

J Lea

Chairperson of Private Rented Housing Committee

27/4/16

Date



Statement of decision of the Private Rented Housing Committee under Section 34 of the Housing (Scotland) Act 1988

prhp Ref: PRHP/RS/16/0049

Re : Property at 206B Montrose Street, Brechin, Angus, DD9 7DZ (“the Property”)

The Parties:-

Mr Fraser Clark, 206B Montrose Street, Brechin, Angus, DD9 7DZ (“the Tenant”)

John Street Scotland, care of Carling & Co. Ltd, 1 Faraday Court, Dundee, DD2 3UD
 (“the Landlord”)

Introduction

This is an application by the Tenant for a determination of the rent payable under Section 24(3) and 34(1) of the Housing (Scotland) Act 1988. The Tenancy is a Short Assured Tenancy. The Tenant applied to the Committee for a determination of rent on the prescribed form AT4 dated 23 December 2015. The Committee had before it the following documents:

- (1) Tenancy Agreement between the Tenant and the Landlord dated 28 April 2015.
- (2) Forms AT4 and AT5.
- (3) Written representations with attached documentation from the Landlord.

Inspection of the Property

The Private Rented Housing Committee, comprising Mrs Judith Lea, Chairman and Legal Member and Sara Hesp, Surveyor Member, attended at the property on 22 April 2016. The Landlord’s representatives, Graham Carling Senior and Leanne Carling, were in attendance on behalf of the Landlord. The Tenant had been advised of the time and date of the inspection. On attending at the property the Committee was unable to gain access. The Landlord’s representative telephoned the Tenant but there was no reply. The Committee accordingly was only able to carry out an external inspection of the property.

Hearing

The Committee held a hearing at Caledonian House, Greenmarket, Dundee. The Tenant did not attend. The Landlord was represented by Graham Carling Senior and Leanne Hall. The Landlord’s representatives advised that the Landlord had taken over the tenancy in April 2015 with the Tenant in situ. The Tenant was receiving housing benefit. The Landlord’s agents

advised that the survey report on the property had suggested that rental value of the property was £450 per month. The Landlord's representatives indicated that the local housing allowance was supposed to rely on the market and indicated a rent of £450 per month. The Landlord's representatives pointed out that the Tenant had two large dogs in the property despite the fact that the lease did not allow pets but that they were prepared to allow this situation to continue.

The Surveyor Member of the Committee pointed out that there were currently a number of properties advertised for rent on Your Move in the same street of a similar size and condition which had a rent of £400 per calendar month. The Landlord's representatives advised that the Tenant was currently only paying £400 per month due to the current state of the property and due to the fact that he had been in the property for a while and had previously been paying a much lower rent. The Landlord's representatives confirmed that the property currently did not have any floor coverings or central heating, that there was one double glazed window but the rest of the windows were single glazed and that the property had electric heating. The Landlord's representatives confirmed that they could provide the Committee with a copy of the rent statement showing that the Tenant had only been paying £400 per month. The Landlord's representatives confirmed that they were happy for this situation to continue. The Landlord's representatives then confirmed that their understanding was that Montrose Street had gone downhill in the last year due to a number of Tenants being moved in by the Scottish Government. The Landlord's representatives then accepted that the market rent for two bedroom properties, similar to this one, in Montrose Street at present was £400 per month.

The Committee noted that there was one property in Montrose Street which was a two bedroom property of similar size which was furnished, freshly redecorated, had central heating and double glazing and private undercover parking and had a rent of £500 per calendar month. There were two other two bedroom properties of similar size in an unimproved condition, unfurnished with electric panel heating in Montrose Street which were for rent at £400 per month. The Committee also noted that the current Tenant was actually only paying £400 per month even though the lease stated £450 per month.

In the circumstances the Committee was satisfied that there were a sufficient number of similar houses in the locality let on assured tenancies and the rent payable under this short assured tenancy (£450 per month in terms of the lease) is significantly higher than the rent which the Landlord might be reasonably to be expected to obtain under the tenancy (£400 per calendar month).

Decision

The Committee accordingly determined that a market rent for this property is £400 per calendar month and directed that this determination take effect from the date of this decision.

J Lea

Signed
Chairperson

Date..... 29/4/16