

Housing and Property Chamber
First-tier Tribunal for Scotland



Housing (Scotland) Act 1988

Register Of Rents Determined Under Short Assured Tenancies

REFERENCE NO.

FTS/HPC/RS/18/0945

APPLICATION RECEIVED

25 April 2018

ADDRESS OF PREMISES

8 Rosebery Place, Livingston, West Lothian, EH54 6RP

TENANT

Ms Victoria Courtney

**NAME AND ADDRESS OF
LANDLORD**

Golshan Properties
39 Albyn Drive, Murieston, Livingston,
EH54 9JN

AGENT

RENTAL PERIOD

6 months and monthly thereafter

DATE TENANCY COMMENCED

28 March 2016

DESCRIPTION OF PREMISES: Semi-detached bungalow built c1990, reasonably close to local amenities. Gas central heating. Double glazing. Accommodation comprises living room, double bedroom, kitchen and bathroom. Modern kitchen units and appliances. White goods provided. Bath with shower over. Good decorative order. Small garden area to rear. Small front garden gravelled over for off-street parking. Unfurnished.

SERVICES PROVIDED

None

TRIBUNAL MEMBERS

CHAIRPERSON

George Clark

ORDINARY MEMBER (SURVEYOR)

Robert Buchan

PRESENT RENT	£6,360.00
DETERMINED RENT	£6,360.00
DATE OF DECISION	EFFECTIVE DATE
23 July 2018	28 April 2018

G. Clark

Chairperson of tribunal

20th August 2018

Date

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of Reasons in respect of a referral to the First-tier Tribunal for Scotland Housing and Property Chamber for a Determination of Rent under Sections 24(3)(a) and 25(1) of The Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/RS/18/0945

Property: 8 Rosebery Place, Livingston EH54 6RP (“the Property”)

Parties:

Ms Victoria Courtney, residing at 8 Rosebery Place, Livingston EH54 6RP (“the Tenant”) and

Golshan Properties, having a place of business at 39 Albyn Drive, Murieston, Livingston EH54 9JN (“the Landlord”)

Tribunal members: George Clark (Legal Member/Chair) and Robert Buchan (Ordinary Member/Surveyor)

Background

1. The current rent for the Property is £530 per calendar month (£6,360 per annum) and it is a Short Assured Tenancy. By way of a Form AT2 Notice dated 26 March 2018, the Landlords proposed a new rent of £595 per calendar month (£7,040 per annum). The proposed rent was to take effect from 28 April 2018. The Tenant referred the Notice to the First Tier Tribunal for Scotland Housing and Property Chamber (“the Tribunal”) for a determination of rent under Section 24 of the Housing (Scotland) Act 1988 (“the 1988 Act”). The Tenant’s Notice of Referral (AT4) was received on 26

April 2018, before the beginning of the period to which the proposed new rent related, as required by Section 24(3) of the 1988 Act.

The Inspection

2. The Committee inspected the Property on the morning of 23 July 2018. The Tenant was present at the inspection. The Landlord was neither present nor represented at the inspection or subsequent hearing.
3. The Property is a semi-detached bungalow built circa 1990, with gas central heating and double glazing. The accommodation within the Property comprises a living room, double bedroom, kitchen and bathroom. The kitchen units and appliances are modern. The bathroom has a bath with a shower over. The Property is in good decorative order. There is a small garden area to the rear and a former small garden area to the front has been gravelled and converted to off-street parking. The gross internal floor area is 48 square metres or thereby. The Property is let unfurnished, apart from white goods, and no services are provided by the Landlord.

Written Submissions

4. The Tenant did not make any written submissions to the Tribunal.
5. The Landlord made written representations in a letter dated 6 June 2018. The Landlord stated that there had been a rise in rents in the area and estimated that the current rental would be in the region of £625-£650 per month. In addition, the Landlord had modernised the Property between July 2016 and September 2017.
6. The Landlord asked the Tribunal to note that one-bedroomed semi-detached bungalows in the area of the Property were rarely on the market for rent. The current rental of such properties was £550-£600 if all-electric and £600-£650 if modernised and with gas central heating. The Landlord had seen other properties which were not of a similar size, but which provided a base on which to advertise the Landlord's properties for let. The Landlord instanced 25 Park Place, Eliburn, Livingston, which was advertised unfurnished for

£550 per month. It had no gas central heating and was all-electric. One-bedroomed flats in the area were currently achieving £500-£525 if all-electric and £530-£670 if modernised, with gas central heating.

7. The Landlord's other property at 27 Park Place, Eliburn, Livingston was a one-bedroomed semi-detached bungalow, similar to the present Property, but smaller in size. It had been advertised and let out in October 2017 for £600 per month. A chartered surveyor's valuation of 27 Park Place carried out in December 2017 had estimated the current rental value as £600 per month. Since then, there had been a rise in the residential market and the Landlord estimated that the current rental value of 27 Park Place would be in the region of £625-£650.

The Hearing

8. Following the inspection, the Tribunal held a hearing at George House, 126 George Street, Edinburgh. Neither party was present or represented at the hearing. The Tribunal considered all the evidence before it, including comparative rental evidence it had obtained from its Members' own research.

Decision

9. The Tribunal had identified some 200 properties advertised for let in the EH54 postcode area and 10 one-bedroomed properties advertised since April 2017. Accordingly, the Tribunal determined that there was a sufficient number of similar houses available to let in the locality to enable it to make a determination.
10. A rental of £510 per month had been achieved for a one-bedroomed, part-furnished, terraced house in Jones Green in September 2017 and £440 for an unfurnished upper flat in Orchard Place, Eliburn, with double glazing and gas central heating. There were comparable examples in the Bankton area of Livingston with rents of £525 and £550 per month, but their location was closer to the town centre and other amenities. The rent for one other property located very close to the present Property was £475 per month.

11. The Tribunal noted that the latest Citylets Quarterly Report, for Q2 in 2018, found that the average rental for one-bedroomed properties in West Lothian was £494. There were no figures provided in the Report for one-bedroomed properties in EH54, but the average for two-bedroomed properties in that area was £625. The nearest area where the difference in rents between one and two-bedroomed properties was set out was the adjoining EH48 postcode and the difference there was £100 per month.
12. The Tribunal considered that the properties at Jones Green and Orchard Place provided the best comparable rental evidence. The Tribunal accepted that neither was a semi-detached bungalow, so took account of that fact in arriving at a decision. These properties had been let out in September 2017 and the Tribunal also accepted that there had been an increase in rents in West Lothian of approximately 5% in the last year.
13. The Tribunal noted the valuation of 27 Park Place, Eliburn provided by the Landlord, but decided that, as this had been provided in the context of a mortgage valuation, it preferred the evidence available from the rental market.
14. Using its own knowledge and experience and having regard to the information available, the Tribunal considered that the market rent for a typical one-bedroomed property in the locality of the current property would be in the region of £525 per month.
15. Having taken all factors into account the Tribunal determined that, in terms of Section 25(1) of the Housing (Scotland) Act 1988, the rent at which the property might reasonably be expected to be let in the open market by a willing landlord under an Assured Tenancy was £530 per month (£6,360 per annum).
16. The Tribunal decided that its Determination should take effect from 28 April 2018.

G.Clark

(Legal Member/Chair)

Date...20/08/18.....