

Housing and Property Chamber
First-tier Tribunal for Scotland



Housing (Scotland) Act 1988

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO. APPLICATION RECEIVED

FTS/HPC/RA/17/0148 20 April 2017

ADDRESS OF PREMISES

52 Innerwick Drive, Hillinton, Glasgow, G52 2HY

TENANT

Mr Benjamin Jack

**NAME AND ADDRESS
OF LANDLORD**

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

RENTAL PERIOD DATE TENANCY COMMENCED

Not known- statutory assured tenancy

DESCRIPTION OF PREMISES

Upper floor cottage flat. The accommodation comprises one public room, three bedrooms, kitchenette and bathroom.
Floor area approximately 65 square metres.

SERVICES PROVIDED

None

TRIBUNAL MEMBERS

**CHAIRPERSON
ORDINARY MEMBER
(SURVEYOR)**

Jacqueline Taylor
Carol Jones

PRESENT RENT £5,450.00

PROPOSED RENT £6,000.00

DETERMINED RENT £5450.00

DATE OF DECISION EFFECTIVE DATE

29 June 2017

16th October 2017

J Taylor

Chairperson of Tribunal

Date: 5th July 2017

Housing and Property Chamber

First-tier Tribunal for Scotland



Statement of decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 24 (1) of the Housing (Scotland) Act 2006.

Chamber Ref: FTS/HPC/RA/17/0148

52 Innerwick Drive, Hillington, Glasgow, G52 2HY ('The property')

The Parties:-

Gauld Properties Limited having its registered address at 22 Milnpark Street, Glasgow, G41 1BB ('the Landlord').

Benjamin Jack residing at 52 Innerwick Drive, Hillington, Glasgow, G52 2HY ('the Tenant').

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal') comprising: Jacqui Taylor (Legal Member) and Carol Jones (Ordinary Member).

1. Background

The Tenant became a statutory assured tenant of the property, following the death of his father in 2004. He has resided in the property for 61 years. The Tenant is currently paying rent of £5450 per annum (£454.17 per month). The Landlords applied for an increase in the rent when they served the Tenant with a notice of increase of rent on form AT2, dated 14th April 2017. The Tenant timeously objected to that proposed increase by referring the proposed increase to the Tribunal (Housing and Property Chamber) by lodging form AT4. The matter was referred to the Tribunal.

2. Jurisdiction

In terms of section 24(2) of the Housing (Scotland) Act 1988, the Landlord requires to serve the Tenant with a correctly completed form AT2, giving at least six months notice of an increase in rent. The Landlords had correctly served the Tenant with a notice of rent increase on form AT2. As stated, the form was dated 14th April 2017 and it

advised that the new rent of £6000 per annum would take effect from 16th October 2017. Accordingly the Tribunal were satisfied that they had jurisdiction to hear the application.

4. Both parties were notified an inspection and hearing would take place and were invited to make written representations and attend the inspection and hearing.

5. The inspection

The Tribunal inspected the property on 29th June 2017. The Tenant attended the inspection. The Landlords did not attend and were not represented. The property is a traditional style upper floor cottage flat in the Hillington area of Glasgow. The accommodation comprises one public room, three bedrooms, kitchenette and bathroom. The floor area is approximately 65 square metres.

The roof of the property had been laid with asbestos tiles. There was a mixture of single and double glazed UPV windows throughout the property. The Tenant's father had installed central heating in the property a number of years ago with the benefit of the Scottish Executive grant scheme. A new boiler had been installed by the Landlords a few years ago. The pipe work and the boiler in the hall have now been boxed in by the Tenant. The Property is mostly in a good state of decoration. The front door of the Property is the original wooden door. There was a small area of rotten wood at the bottom of the external door frame.

The Property is let unfurnished. Internally the Property 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 Landlords. 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. All the modern units were installed by the tenant. No appliances are provided by the Landlords. The electrical wiring appears to be dated by modern standards. The landlord installed a new bath several years ago but the toilet and wash hand basin are very dated and it was the tenant who installed the electric shower. All tiling in the bathroom and kitchen was carried out by the tenant.

There is a good sized garden to the side and at the rear of the property and the property is well located for local amenities and public transport.

Photographs were taken during the inspection and are attached as a Schedule to this report.

6. The Hearing.

Following the inspection of the Property the Tribunal held the scheduled hearing at Wellington House, 134-136 Wellington Street, Glasgow, G2 2XL. The parties did not attend.

7. The Decision.

The Tribunal had the following documents before them:-

7.1 A copy of form AT2 advising that the rent would be increased to £6000 from 16th October 2017.

7.2 A copy of form AT4 completed by the Tenant, requesting a determination of the rent, and requesting that the following matters of disrepair be taken into account in assessing the rent:

‘Kitchen units need to be upgraded; signs of dampness in the kitchen; signs of dampness in bedroom; broken seals around some of the windows and no double glazing in three rooms; old wooden door outside needs joinery.

7.3 Evidence of comparable rents determined by the PRHP:

7.3.1 Rent of £5450 per annum had been determined for this property with effect from 16th May 2016. The Committee had found that the comparable market rents were in the range £500 to £595 per month and the comparable market rent for this property was £562.50. They applied deductions of £1300 to allow for the fact that the property was not modernised.

7.3.2 Rent of £5620 per annum had been determined for 42 Gladsmuir Road, Hillington, G52 with effect from 4th May 2016. The Committee had found that the comparable market rents were in the range £495 to £595 per month and the comparable market rent for this property was £560. They applied deductions of £1100 to allow for the fact that the property was not modernised.

The Tribunal considered these documents.

In terms of section 25 of the Housing (Scotland) Act 1988, as amended, where a tenant refers the determination of rent to the First-tier Tribunal for Scotland (Housing and

Property Chamber) the legislation provides that the Tribunal shall determine the rent at a sum which might reasonably be expected for the property if let in the open market by a willing landlord.

The Tribunal had obtained evidence of the open market rents of comparable properties available to rent in the Glasgow G52 postcode area. They found that there are over 10 similar three bedroom properties available to rent. The rents ranged from £500 to £575 per month. These comparable properties were three bedroom properties with upgraded kitchens and bathrooms, double glazed windows and central heating and with floor coverings and appliances provided by the landlords.

The Tribunal considered the market evidence and reflected that the open market rent of properties comparable to 52 Innerwick Drive but modernised was £562.50 per month (£6750 per annum). The Tribunal acknowledged that an adjustment was required to reflect the fact that the Landlords of 52 Innerwick Drive, Glasgow did not provide any appliances, decoration or floor coverings and the kitchen and bathroom fittings were dated, the property was only partially double glazed, had not recently been rewired and although the Landlords had renewed the boiler in recent years it was the Tenant's father who had installed the central heating. They considered that a deduction of £1300 per annum was reasonable to reflect these differences.

The Tribunal also considered the said previous PRHP decisions. They took the view that since the dates of these decisions there was no evidence of any significant increase in rental values of these type of cottage flats within the Cardonald and Hillington areas.

After consideration of all these factors the Tribunal decided that the market rent for the property was £5450 per annum and should take effect from 16th October 2017, the date indicated in the landlord's AT2 form which had been served on the Tenant.

In reaching this decision the Tribunal have had regard to all the considerations required to be taken into account in terms of Section 25 of the Housing (Scotland) Act 1988.

Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

J Taylor Chairperson

5th July 2017

Scottish Courts and Tribunals Service



Schedule of photographs taken during the inspection of 52 Innerwick Drive, Hillington,
Glasgow G52 2HY by the First-tier Tribunal for Scotland (Housing and Property
Chamber) on 29 June 2017.

J Taylor ^{21/7/17}

Reference Number : FTS/HPC/RA/17/0148



External - front elevation



Kitchen



Bathroom



Bathroom