



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

RAC/G31/A69

APPLICATION RECEIVED

1 September 2010

ADDRESS OF PREMISES

Flat 0/1, 6 Circus Drive, Dennistoun, G31 2JH

TENANT

Miss J Proctor

NAME AND ADDRESS OF LANDLORD

Angus & Iris MacLean

AGENT

Hacking & Paterson
1 Newton Terrace
Glasgow
G3 7PL

RENTAL PERIOD

Quarterly

DATE TENANCY COMMENCED

n/a

DESCRIPTION OF PREMISES

Ground floor flat in 3 storey traditional sandstone tenement C.1890, comprising living room, small bedroom, dining kitchen and bathroom. Gross internal floor area is 66 sq. m.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
PROFESSIONAL MEMBER
LAYMEMBER

J Bauld LLB(Hons) DIP LP
M Links FRICS
S Brown

PRESENT RENT

£ 3,000.00 per annum

RENT DETERMINED

£ 3,250.00 per annum

DATE CONSIDERED

15 November 2010

DATE DETERMINATION TAKES EFFECT

15 November 2010

J Bauld

Chairman of Private Rented Housing Committee

15/11/10

Date

Determination by Private Rented Housing Committee

Statement of Reasons of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

In connection with Hearing held on 15th November 2010

Under Section 24(1) of the Housing (Scotland) Act 2006

Case Reference Number: PRHP/RAC/G31/A69

Re:- Property at Flat 0/1, 6 Circus Drive, Dennistoun, Glasgow, G31 2JH ("**the property**")

The Parties:-

Ms J Proctor, residing at Flat 0/1, 6 Circus Drive, Dennistoun, Glasgow, G31 2JH ("**the tenant**")

And

Mr Angus and Ms Iris Maclean who are represented by their Agents Hacking & Paterson of 1 Newton Terrace, Glasgow, G3 7PL ("**the landlord**")

Background:-

1. The tenancy is a statutory assured tenancy in terms of the Housing (Scotland) Act 1988.
2. 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 3 months' notice of any proposed increase in rent. The landlord's agents, Hacking & Paterson, had correctly served the tenant with a notice of rent increase on Form AT2. The Form was dated 2nd July 2010 and proposed a new rent of £3,600 to take effect from 2nd October 2010. The previous rent was £3,000 per annum which had been determined by a Rent Assessment Committee in terms of their decision dated 6th August 2007. The tenant had lodged a Form AT4 requiring the Private Rented Housing Committee to determine the rent payable under the tenancy. The Committee was satisfied that it had jurisdiction to deal with the application.

The Inspection

3. The Private Rented Housing Committee consisted of James Bauld, Chairman, Mike Links, Surveyor and Susan Brown, Housing Member. The Committee inspected the property on the morning of 15th November 2010.

The Property

4. The property is a ground floor flat at 0/1, 6 Circus Drive, Dennistoun, Glasgow, G31 2JH. The property is situated in an area which is generally a residential location. The property overlooks the former Golfhill Primary School. The nearest shops and public transport are located at Alexandra Parade which is approximately a 10 minute walk from the property assuming a normal walking pace.
5. The property is situated in a 3 storey traditional sandstone tenement built around 1890. The roof has been tiled. The tenement has been refurbished and the stonework cleaned approximately 30 years ago. A communal door entry system is in place and the communal area towards the rear of the property has been landscaped and includes the

communal bin area. Externally the property appeared to be in a reasonable state of repair. The dwellinghouse was generally wind and watertight on the date of inspection albeit that the windows within the property were traditional sash and case windows and were generally weathered. The property is single glazed throughout. The tenant confirmed that the property had been re-wired approximately 30 years ago. There is no central heating system within the property and the tenant uses small electric heaters to provide heating. The tenant confirmed that the landlord had offered to install central heating but she had declined this offer as she did not think she could cope with the upheaval that those works would require.

6. The accommodation extends to a lounge with bed recess, 1 narrow double bedroom, a living/kitchen with further bed recess and a bathroom. Within the property there is evidence in several rooms of previous subsidence. Large cracks are apparent in the corners of the lounge and the bedroom and in the ceilings of the lounge and the kitchen. These cracks were present and were noted in the decision of the previous Rent Assessment Committee in their Judgment of 6th August 2007. The cracks do not appear to be recent and require cosmetic repair in the form of re-plastering. Internally the property is also in need of redecoration. The living room is of good size with the original ceiling rose still in place. There is a fireplace within the living room but this is not fit for use. The bedroom is of a rectangular shape and is long and narrow. It is large enough to be considered as a double bedroom. The kitchen is of good size and contains a bed recess. It also contains the original black kitchen range although this is now no longer in working order. Hot water is provided by an immersion heater. The sink in the kitchen is stainless steel and was replaced by the landlord some time ago but remains functional. In the bathroom a new bath and WC had been installed by the landlord about 5 years ago and the WC and wash hand basin are in reasonable condition and functional.
7. The landlord was not represented at the inspection nor were they present. The tenant was present during the inspection.

Documentation

8. The Committee considered the following documents:
 - previous Decision issued 6th August 2007,
 - Form AT4,
 - Form AT2,
 - tenancy agreement,
 - written representations from the tenant and
 - written representations from the landlord.

Hearing

9. Both parties had requested a hearing. By letter dated 16th September 2010 the landlord indicated that they did not intend to attend the hearing and had provided written representations. During the course of the inspection, the clerk to the committee telephoned the landlord's agent's office and spoke to Alan Gifford. He confirmed that the landlord did not intend to attend the hearing nor did their representatives wish to do so. In view of this the tenant was given the option of having the hearing conducted within her home as opposed to within the Panel's offices in central Glasgow. The tenant indicated she would prefer to have the hearing held within her home and accordingly the hearing took place there.
10. The Committee listened to the tenant. She objected to the proposed increase in rent. She indicated that she considered that her landlord had failed for at least 9 years to maintain the property at the Repairing Standard. She did not agree that £300 per month

was an acceptable level of rent. She indicated that the properties mentioned in the landlord's letter were in areas which were far superior to her's and where repairs would have been done by the landlord right away. The tenant indicated that she had lived in the property for 87 years. The tenant confirmed that she had no knowledge of any sale prices of property in the area but had been advised that the property which she occupied had been worth £25,000 when it had been acquired by the current landlord 9 years ago. The tenant was questioned with regard to the subsidence and accepted that works had been carried out some time ago and that the subsidence did not appear to be recent.

11. The landlord's representations are set out in their letter of 16th September 2010. In that letter they accept that the flat remains in a generally poor and unimproved condition but they argue that an annual rent of £3,600 is appropriate for this flat. They argued that this figure could be supported either using a comparable market rent approach or a calculation based on capital values.

The Decision

12. The Committee considered carefully all the available evidence in this case. The Committee also obtained details of other properties available for leasing in the area from advertisements on various internet websites. The Committee were also aware of 3 recent decisions of other committees relating to properties at Flat 0/1, 664 Alexandra Parade, Flat 1/2, 672 Alexandra Parade and Flat 1/2, 684 Alexandra Parade, all in Glasgow and all decided in May 2010. In each of those cases the appropriate market rent was fixed at £3,450 per annum. The Committee decided not to proceed on the basis of the capital valuations provided by the landlord. There was no evidence to support the capital value claimed by the landlord and no information provided to the Committee regarding relevant sale prices actually obtained for comparable properties in recent months. The Committee accordingly determined to proceed to assess comparable market rents. The Committee considered the examples provided by the landlord in their written representations, the examples contained in the previous decisions of other committees mentioned above, and their own knowledge and experience and the information available to the Committee from other sources. The Committee took the view that the general range of rents for flats within the general area of this property ranged from £350 to £450. These rents related to flats in various streets in the area of Dennistoun including Alexandra Parade, Walter Street, Cumbernauld Road, Marlwick Street and Birkenshaw Street. The Committee, exercising its knowledge and expertise took the view that a fair market rent for a fully modernised flat in this locality and of a similar size and location to the subject property would be £375 per month or £4,500 per annum.
13. The Committee further determined that the subject property was let as unfurnished and did not benefit from any white goods or carpets supplied by the landlord. The Committee also determined that in the property the kitchen and bathroom fittings were not of a modern standard. The Committee also determined that the property was not provided with double glazing and also noted the property did not benefit from central heating. The Committee also noted that the wiring within the property appeared to be fairly old. The Committee therefore determined that a reasonable deduction was required to reflect the difference between the property at Flat 0/1, 6 Circus Place, Dennistoun, Glasgow and the market rent for a modern flat of the same size and in the same location. The Committee considered the costs of providing appropriate carpeting and appliances, of providing modern bathroom and kitchen fittings, of installing double glazing and central heating and of improving the wiring would justify a reduction in the annual rent of £1,250 per annum. On a monthly basis the Committee determined that the monthly deduction would be £104.17 per month. The Committee therefore determined that the appropriate market rent for the property would be £3,250 per annum (£270.83) per month being the market rental level for a fully modernised flat under deduction of the work required to reflect the difference between such a modern flat and the property under inspection.

14. The Committee determined that the increase in rent should take effect from the date of the hearing, i.e. 15th November 2010 as the Committee was satisfied that to find otherwise would cause undue hardship to the tenant.

Signed **J Bauld**

Date *26 November 2010*

James Bauld, Chairperson

Signature of Witness... **G Williams**

Date *26/11/10*

Name: Gillian Williams

Address: 7 West George Street, Glasgow, G2 1BA

Designation: Senior Court Administrator