



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

RAC/G14/A94

APPLICATION RECEIVED

25 May 2012

ADDRESS OF PREMISES

1/1, 42 Ripon Drive, Glasgow G12 0DY

TENANT

Charles Edward MacKay

NAME AND ADDRESS OF LANDLORD

AGENT

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

RENTAL PERIOD

One Year

DATE TENANCY COMMENCED

22 October 1999

DESCRIPTION OF PREMISES

First floor flat in tenement dating from circa 1930 comprising four rooms, kitchenette and bathroom.

Floor area – 72.6 square metres.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN

PROFESSIONAL MEMBER

LAYMEMBER

David Preston

Kingsley Bruce

Tom Keenan

PRESENT RENT

£291.66p.c.m.(£3500p.a.)

RENT DETERMINED

£400p.c.m. (£4800p.a)

DATE CONSIDERED

26 July 2012

DATE DETERMINATION TAKES EFFECT

17 September 2012

D Preston

Chairman of Private Rented Housing Committee

Date

3/8/12

Determination and Reasons

PRIVATE RENTED HOUSING PANEL

HELD ON: 26 July 2012

PROPERTY: Flat 1/1, 42 Ripon drive, Glasgow G12 0DY

Background

1. This is a reference to the Private Rented Housing Panel ("the PRHP") in respect of the property. The tenancy is a Statutory Tenancy under the Housing (Scotland) Act 1988 ("the Act")
2. On 16 March 2012 the Landlords served a Notice AT2 on the Tenant under section 24(1) of the Act indicating that they intended to increase the rent on the property to £6300pa (£525pcm) with effect from 17 September 2012. On 24 March 2012 the Tenant applied to the PRHP.
3. The matter was referred to a Private Rented Housing Committee (the Committee) and both parties were invited to make written representations and were notified that an inspection and hearing would take place on 26 July 2012. The Landlords indicated in advance of the inspection and hearing that they did not intend to be present and submitted representations dated 15 June 2012. The Tenant provided written representations and was present at the inspection and hearing.
4. The Committee comprised David Preston, Chairman, Mr Kingsley Bruce, Surveyor Member and Mr Tom Keenan, Housing Member.

The Inspection:

5. Ms Wardlow, Clerk to the PRHP, introduced the Committee to the tenant at the inspection of the property which took place on 26 July 2012. Ms A Ross, Assistant Clerk to PRHP was also present. The Landlord was neither present nor represented at the inspection.
6. The property is a first floor flat (left) in a three storey tenement building at 42 Ripon Drive, Glasgow. It is located in the Anniestand/Kelvindale area of the city and was constructed around 1930 with tiled roof and roughcast finish to external walls. It is conveniently located for amenities and public transport.
7. There is no security entry door to the tenement and there is an area of communal ground to the rear which was generally in poor condition although the Tenant advised that one of the occupiers of the tenement cuts the grass.
8. The property, comprises four rooms, entrance hall, kitchenette and bathroom. One bedroom, sitting room, bathroom and living room were accessed from the hall. Access to the second bedroom and the kitchenette was from the living room to the rear of the property. The Committee noted that the area of the property was stated in the Decision of 12 August 2011 as 70 square metres although it determined that the actual extent is approximately 72.6 square metres
9. Internally the property is generally in a poor condition although it had been rewired and replacement windows and gas fired central heating had been installed in about December 2011. Beyond that work it has not been modernised in any way.
10. The kitchenette had the original fireclay double sinks with limited work surface, which had been significantly reduced by the wall mounted central heating boiler. The fittings appeared to be original and the white goods belonged to the Tenant. The bathroom contained dated bath, wash hand basin and WC. A multi-point boiler had been removed when the central heating was installed, but the wall had not been fully re-instated following the removal.

11. As described above, replacement windows and central heating had been installed and the property had been rewired. However not all remedial and redecoration work had been carried out thereafter. Areas of plasterwork and floorboards required further attention as well as redecoration throughout.

The Hearing:

12. The Hearing took place within the offices of the Private Rented Housing Panel at Europa Building, 450 Argyle Street, Glasgow. The Tenant was present and the Landlords were neither present nor represented.
13. The Committee had the following documents before it:
 - a. Copy form AT2 dated 16 March 2012 completed by the Landlords
 - b. Copy form AT4 dated 24 May 2012 completed by the Tenant.
 - c. Copy written representations on behalf of the landlord dated 15 June 2012.
 - d. Copy written representations by the Tenant dated 19 June 2012 together with copy correspondence and photographs.
 - e. Decision of the Private Rented Housing Committee dated 12 August 2011 under reference number RAC/G41/A79.
14. The Committee also had details of comparable properties and details of average rental figures in Glasgow and in the locality. The Committee took account of all these documents and used their knowledge and experience in determining a market rent.
15. The Tenant provided the Committee with a copy timetable of events following the decision of the Committee in August 2011 as well as a further written statement of his representations. The Tenant contended that the capital value of property in the district had fallen since 2011. He based this assertion on the Scottish Government website and on evidence from Zoopla.co.uk. He stated that a valuation from Findaproperty.com for the flats was between £89,000 and £90,000. He also referred to a number of properties in the vicinity for rent, which had been available for some time and referred to flats which had been on the market for sale for some time.
16. The Tenant accepted that in good condition flats equivalent to the property would attract rental values in excess of £6,000pa, but contended that notwithstanding the works which had been carried out, the subject property remained in a poor condition and that the rental value should be in the region of £3,500 to £4,050. He referred to the failure to properly make good the damage caused by the work which had been carried out. He referred to the fact that in his view, the connection between the copper and lead piping when installing the heating system was a practice which had been 'outlawed' since 1987. He also complained that his available workspace had been substantially reduced by the installation of the new boiler in the kitchenette and that floors were uneven and draughty as was the bathroom following removal of the multi-point.
17. The Committee noted the Tenant's representations but considered that in general they were not relevant considerations in assessing the market rent for the property but may be the subject of an application to PRHP under the Housing (Scotland) Act 2006. In particular, from its own knowledge and experience it rejects the contention that the pipework is defective. It was noted that the junction of the pipes had been undertaken in accordance with accepted practice.

Decision and Reasons

18. The Committee considered all the documents before it as well as the representations from the Tenant.
19. The Committee is bound to fix a market rent for the property by applying the terms of the 1988 Act. The Committee is required to determine the rent which, subject to certain assumptions as defined in the Act, it considers the property might reasonably be expected to achieve if it was let on the open market by a willing landlord under an

assured tenancy. There is no single preferred method of fixing such a rent and the Committee must determine the best method, based on the evidence before it.

20. The Committee noted that the Decision of the PRHC dated 12 August concluded that the market rent for properties equivalent to the subject property in good condition and with the facilities expected of a modernised flat provided with appliances, floorcoverings and decoration would be £6,000 pa. It also noted that the Tenant accepted that level of rent as representing the market rent at that time.
21. The Committee considered the rental level reports from CityLets and compared the increase in average rental levels for properties in the west end of Glasgow as disclosed in these reports and concluded that the current market rent for properties comparable to the subject property would be £6,200pa.
22. The Committee agreed that an adjustment was required to reflect the condition of the property, particularly in view of the unmodernised kitchen and bathroom, the poor quality of decoration generally, and the condition of the floors and floor coverings. The Committee noted that the previous Committee in August 2011 had applied a deduction of £2,500 to reflect the anticipated expenditure required, depreciated over a number of years. The Committee took into account that a proportion of that expenditure had been incurred by the Landlord and considered that currently the appropriate deduction should be £1,400.
23. In view of all of the due considerations by the Committee as required by section 25 of the Act, and of the evidence presented to it, the Committee unanimously determined that the market rent for the property was £4,800pa or £400pcm.
24. The Committee further determined that the effective date for this rent should be the date specified in the AT2 submitted by the Landlord, namely 17 September 2012.

D Preston

Chairman

3/9/12 Date