



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

RAC/G52/A53

APPLICATION RECEIVED

28 May 2008

ADDRESS OF PREMISES

52 Innerwick Drive, Glasgow, G52 2HG

TENANT

Mr B Jack

NAME AND ADDRESS OF LANDLORD

Gauld Properties
22 Milnpark Street
Glasgow
G41 1BB

AGENT

N/A

RENTAL PERIOD

Monthly

DATE TENANCY COMMENCED

September 2004

DESCRIPTION OF PREMISES

Upper cottage flat within two storey block of four flats circa 1930 with gas central heating and partial double glazing comprising four rooms, kitchenette and bathroom with relative garden grounds.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN

PROFFSSIONAL MEMBER

LAYMEMBER

Mrs J Taylor LLB Dip LP NP

Mr A English FRICS

Mrs S Brown

PRESENT RENT

£ 5700.00 p.a.

RENT DETERMINED

£ 5200.00 p.a.

DATE CONSIDERED

12 August 2008

DATE DETERMINATION TAKES EFFECT

8th October 2008

J Taylor

Chairman of Private Rented Housing Committee

20th August 2008

Date

STATEMENT OF REASONS

in connection with

INSPECTION HELD ON 12th August 2008

in respect of the property

52 Innerwick Drive, Hillington, Glasgow.

1. THE PARTIES

The landlords are Gauld Properties Limited. The tenant is Benjamin Jack.

2. BACK GROUND

The tenant became a statutory assured tenant of the property, following the death of his father in 2004. Neither the landlord nor the tenant had been able to produce a copy of the lease agreement. The tenant is currently paying rent of £5700 per annum (£475 per month). The landlords had applied for an increase in the rent when they served the tenant with a notice of increase of rent on form AT2, dated 26th March 2008.

3. 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 26th March 2008 and it advised that the new rent of £500 per month would take effect from 8th October 2008. Accordingly the committee were satisfied that they had jurisdiction to hear the application.

4. THE INSPECTION

The committee inspected the property, which is a traditional style upper floor cottage flat in the Hillington area of Glasgow. The accommodation comprises one public room, three bed rooms, kitchen and bathroom.

The roof of the property had been laid with asbestos tiles. There was a mixture of single and double glazed 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.

There is a good sized garden to the side and at the rear of the property.

The property is well located for local amenities and public transport.

5. THE HEARING

No Hearing was requested.

6. THE DECISION

The committee had the following documents before them:-

- A copy of the letters from the Landlords to the tenant dated 24th September 2004 and 5th October 2004 acknowledging that Mr Jack wished to take over the lease of the property following the death of his father and that he will be a statutory assured tenant and the rent would be £400 per month.
- A copy of the letter from the Landlords to the tenant dated 26th March 2008 enclosing form AT2 advising that the rent would be increased to £500 from 8th October 2008.
- A copy of form completed by the tenant explaining that he did not wish to attend a hearing but making the following written representations:-

'Kitchen Units need to be upgraded signs of dampness. In kitchen signs of dampness in bedroom. Broken Seals around some of the windows. The rent increase is going up on the 8th October 2008 to £500 which I think is too much.'

- A copy of form completed by the landlord explaining that he did not wish to attend a hearing but making the following written representations:-

'My Company are presently charging £480 per month for similar properties in the area where demand is particularly strong at this time. We intend on renewal of these leases to increase those rents to around £500 to £520 per month.'

The committee considered these documents.

The committee also considered the recent PRHP decisions dated 3rd April 2008 and 16th July 2008 for the following properties:-

Decision Dated 3rd April 2008:-

- 8 Bucklaw Terrace, Glasgow-£5,400
- 191 Tweedsmuir Road, Glasgow- £5400
- 42 Innerwick Drive, Glasgow- £5400
- 155 Talla Road, Glasgow- £5000
- 176 Talla Road, Glasgow- £5400
- 271 Talla Road, Glasgow- £5000

Decision Dated 16th July 2008

- 0/1 67 Baldovie Road, Glasgow- £5300
- 0/1, 873 Mosspark Drive, Glasgow £5300
- 0/1, 59 Trinity Avenue, Glasgow- £5300

The committee acknowledged that the property 52 Innerwick Drive, Hillington was the same size and same style as these properties. It was noted that the property 42 Innerwick Drive had the benefit of full double glazing and was located in the same street as 52 Innerwick Drive, Hillington. It was also acknowledged that the rents of all of these comparable properties are fair rents which had been determined by the appropriate PRHP committees with no deduction being made for scarcity. Also, as no deduction had been made for scarcity the fair rents determined are at the same level as the market rents for these properties.

The committee had been unable to find any evidence of recent sales to give a capital valuation of the property. Consequently the committee considered the evidence of the rents of the comparable properties to be good evidence of comparable rents to the property 52 Innerwick Drive, especially the evidence of the rent of 42 Innerwick Drive.

The committee acknowledged that 52 Innerwick Drive was partially double glazed and not fully double glazed and the difference in the rents of the comparable properties was due to the presence/ absence of double glazing. In view of the foregoing, the committee decided that the open market rent for the property was £ 5200 per annum.

No services are provided by the landlord.

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

The committee decided that the rent of £5200 per annum should take effect from 8th October 2008, the date indicated in the landlord's AT2 form which had been served on the tenant.

..... **J Taylor**

Chairperson, ~~18th~~ August 2008