



**PRIVATE RENTED HOUSING PANEL**

**HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)**

**Register Of Rents Determined Under Statutory Assured Tenancies**

**REFERENCE NO.**

RAC/KY12/A82

**APPLICATION RECEIVED**

21 September 2011

**ADDRESS OF PREMISES**

Stables Cottage, Abbey House, Culross, Fife, KY12 8JB

**TENANT**

Mr R Mercer

**NAME AND ADDRESS OF LANDLORD**

Lord Elgin

**AGENT**

Davidson & Robertson Rural  
Riccarton Mains  
Currie  
Midlothian  
EH14 4AR

**RENTAL PERIOD**

Yearly

**DATE TENANCY COMMENCED**

1 October 1989

**DESCRIPTION OF PREMISES**

The cottage is a large detached dwelling set in substantial parkland and garden ground. Internally the cottage comprises large dining kitchen, sitting room, double bedroom and bathroom with shower on the first floor and downstairs a second bedroom with en-suite w.c.

**SERVICES PROVIDED**

None

**COMMITTEE MEMBERS**

**CHAIRMAN**

**PROFESSIONAL MEMBER**

Mr S Walker LLB(Hons)Dip LP ACI Arb.

Mr I Mowatt B.Sc. FRICS

**PRESENT RENT**

£ 4800.00

**RENT DETERMINED**

£ 5280.00

**DATE CONSIDERED**

23 November 2011

**DATE DETERMINATION TAKES EFFECT**

1 February 2012

**S Walker**

Chairman of Private Rented Housing Committee

*7<sup>th</sup> December, 2011*

Date



**PRIVATE RENTED HOUSING COMMITTEE  
STATEMENT OF REASONS**

**PROPERTY:**

**Stables Cottage, Abbey House, Culross, Fife**

**INSPECTION & HEARING**

**23<sup>rd</sup> November, 2011**

## STATEMENT OF REASONS

### INTRODUCTION

1. This is a reference to the Private Rented Housing Committee for the determination of an open market rent under the Housing (Scotland) Act 1988 by the tenant, Mr Robert Mercer ('the tenant'), in relation to the property known as Stables Cottage, Abbey House, Culross, Fife. The landlord of the property is the Earl of Elgin ('the landlord').
2. The original rent paid by the tenant in respect of property was £4,800.00 per year. 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 landlord had correctly served the tenant with a notice of rent increase on form AT2. The form was dated 20<sup>th</sup> July, 2011. The landlord applied for a new rent when they served the form AT2 and advised that the new rent of £440.00 per month (£5,280.00 per year for the property) would take effect from 1<sup>st</sup> February, 2012. Accordingly the Committee was satisfied that they had jurisdiction to hear the application.
3. Only the tenant attended the inspection. At the hearing the tenant appeared and Ms. Kathleen Kirkpatrick of Davidson Robertson, Chartered Surveyors appeared on behalf of the landlord ('the agent').
4. The Committee comprised

|          |              |
|----------|--------------|
| Chairman | Mr. S Walker |
| Surveyor | Mr I Mowatt  |

## **THE DOCUMENTATION**

5. The Committee considered all the documents referred to it by the parties.

## **DESCRIPTION OF THE PROPERTY**

6. The cottage is a large detached dwelling set in substantial parkland and garden ground. Internally the cottage comprises large dining kitchen, sitting room, double bedroom and bathroom with shower on the first floor and downstairs a second bedroom and utility room and former stables which provide extensive storage/workshop space.

## **HEARING**

7. The Chairman opened the hearing and invited the tenant to address the Committee first. The tenant advised the Committee that the landlord had failed to remedy defects to the driveway and the bathroom and that there was an eight apartment house in Culross which was being rented for £350.00 pcm. The tenant advised that given that and the fact that the rent was only recently set at £400.00 pcm in 2009 an open market rent for the property, in his view, was £400.00 pcm.
8. The Chairman then asked the landlord's agent, Ms Kirkpatrick, to address the Committee. The agent had produced as part of their written representations details of six comparable properties (five of which were on the landlord's Estate). Monthly rentals for these comparable properties ranged from £435.00 to £495.00 pcm. The agent advised that given these comparable rentals the amount sought by the landlord of £440.00 pcm was an appropriate open market rent for the property.

## DECISIONS AND REASONS

9. In this case, both parties produced evidence of comparable rents.
10. In addition to the information provided by the parties, the Committee was aware of the need to proceed on the basis of the best available evidence, using other available evidence as a check where possible. The Committee had the benefit of its own knowledge and experience of the rents passing and being asked in the local market.
11. The Committee from its own experience, knowledge and information available on the internet and from local letting agents as well as the information provided by the parties considered that comparable properties for the rental of two bedroom properties in the Culross and surrounding area averaged around £400.00 to £550.00 pcm.
12. The Committee considered that the appropriate open market rent in respect of the property was £5,280.00 per year.
13. Accordingly, having taken all relevant factors into account, the Committee determined that an open market rent for the property was £5,280.00 per year. In reaching this decision, the Committee had regard to all of the evidence and to all the circumstances required to be taken into account in terms of Section 25 of the Housing (Scotland) Act 1988.

14. The Committee decided that the rent of £5,280.00 per year should take effect from 1<sup>st</sup> February, 2012, the date indicated in the landlord's AT2 form which had been served on the tenant.

**S Walker**

Signed ....

**Steven P Walker**  
**Advocate & Barrister**

**Chairman**  
**Private Rented Housing Committee**

**7<sup>th</sup> December, 2011**