



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G51/783	22 September 2010	Landlord

ADDRESS OF PREMISES

0/2,42 Clifford Street, Glasgow, G51 1PA,

TENANT

Ms Fleming

NAME AND ADDRESS OF LANDLORD

Third McFie Family Trust

AGENT

McFie & Co
5 Cathkinview Road
Glasgow
G42 9EA

DESCRIPTION OF PREMISES

Ground floor flat in 3 storey grey sandstone tenement C.1880, comprising 3 rooms, living kitchen and bathroom. Gross internal floor area is 85 sq. m.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR

Jim Bauld LLB(Hons) DIP LP
Alan English FRICS

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 4,600.00 p.a.	22 November 2010	22 November 2010


Chairman of Private Rented Housing Committee

22 November 2010.
Date

STATEMENT OF REASONS
BY PRIVATE RENTED HOUSING COMMITTEE

In connection with
INSPECTION HELD ON 22 NOVEMBER 2010
Of the property at
Flat 0/2, 42 Clifford Street, Glasgow, G51 1PA

1. **The Parties**

The Landlord of the property is the Third Macfie Family Trust per their Agents Macfie & Co, 5 Cathkinview Road, Glasgow, G42 9EA.

The tenant is Ms K Fleming who resides at the property address. The tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

2. **Background**

The current rent of the property is £2,750 per annum (£229.17 per month). The Landlord proposed an increased rent to £4,600 per annum (£383.33 per month). The rent officer determined a rent of £3,250 per annum (£270.83 per month) with effect from 17 October 2010. The Landlord appealed that determination to the Private Rented Housing Panel ("PRHP").

3. **The Inspection**

The Private Rented Housing Committee consisted of James Bauld, Chairman and Mr Alan English, Surveyor member. The Housing member, Ms Susan Brown was not able to attend the inspection for personal reasons. The Committee proceeded as a two person Committee in terms of the relevant Rules.

The property is situated within a three storey grey sandstone tenement block with a tiled roof. The property is situated on the ground floor. The property consists of a living room, two bedrooms, a bathroom, a dining kitchen and a hall. The gross internal floor area amounts to 85 sq m. The property has a gas central heating system. The windows were double glazed. There was no secure door entry system. There was a communal back court area which contained the bin storage area. The communal back court area was neatly maintained and easy accessed by climbing from the ground floor communal entrance hall to a landing

between the ground floor and the first floor and then descending via a flight of steps to the back court. The property is reasonably located for public transport links and local shops and services are available on Paisley Road West which is a short distance away.

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4. The Hearing

Neither party indicated that they wished to attend a Hearing. Accordingly the members of the Committee after the inspection considered matters within the offices of the Private Rented Housing Panel at West Campbell Street, Glasgow. The Committee members had before them the Landlord's application form for registration of rent, the appropriate entry from the Rent Register page, the Rent Officer's Determination dated 20th September 2010 and written representations that had been provided by the Tenant.

5. The Decision

The Committee considered all of the documents provided. The Committee members had also obtained details of other properties available for leasing in the area from internet advertisements. The Committee also noted during the inspection that a property in an adjacent close was indicated as available for letting.

The Committee were mindful of Section 48(1) of the Rent (Scotland) Act 1984 which requires the Committee to have regard to all of the circumstances (other than personal circumstances and in particular to apply their knowledge and expertise of current rents with comparable properties in the area as well as having regard to the age, character and locality of the dwellinghouse in question and to the state of repair and, if any, furniture provided for use under the tenancy, the quantity, quality and condition of the furniture.

The Committee were also required to assume that in terms of Section 48(2) of the 1984 Act that "the number of persons seeking to become the tenant of similar dwellinghouses in the locality on the terms (other than those relating to rent) of a regulated tenancy is not substantially greater than the number of dwellinghouses in the locality which are available for letting on such terms.

No capital valuations were produced on the Committee. No comparable examples of similar properties were provided by either the Landlord or the Tenant for the Committee to consider.

The Committee accordingly exercised their own knowledge and expertise. The Committee took the view, from their own knowledge and experience, that the range of rents for flats within the general area ranged from £500 per month to £600 per month (£6,000 to £7,200 per annum). These rents related to flats in various areas of Ibrox including Clifford Street itself, Clifford Place, Elizabeth Street, Copland Road and Paisley Road West. The Committee, exercising its knowledge and expertise took the view that a fair market rent for a fully modernised flat having all of the improvements and standards expected of a modernised flat and of a similar size and location as the subject property would be £550 per month or £6,600 per annum.

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 bathroom fittings were not of a modern standard and that the wiring within the property was generally old. The Committee therefore considered that a reasonable deduction was required to reflect the difference between the property at 42 Clifford Street and the market rent for a modernised flat of the same size and in the same location.

The Committee considered that the cost of supplying appropriate carpets, appliances, white goods and upgrading the bathroom and wiring would incur capital expenditure and the Committee considered that this justified a reduction from the assessed market rent of approximately £115 per month. Additionally the Committee took the view that the rental level which would be achieved for this property would be reduced if it was currently presented for let in a vacant state. The Committee took the view that a further £50 per month would fall to be deducted from the rental in that situation. Accordingly the Committee took the view that the appropriate market rent for the property would be £385 per month (£4,620 per annum) being the market rental level for a modernised flat under deduction of the various works required to reflect the differences between such a modernised flat and the property under inspection and taking into account the other factors mentioned.

Having determined the market rent, the Committee then considered whether there should be any deduction for scarcity in terms of Section 48(2) of the 1984 Act. Applying its own skill, knowledge and experience, the Committee could find no evidence of excess demand for properties such as the property under inspection and the Committee also noted that there appeared to be a large number of similar sized properties available for rent in the locality of the subjects. The Committee accordingly determined that there was no significant scarcity of properties.

Having considered all of the relevant factors the Committee decided that a fair rent for the property at Flat 0/2, 42 Clifford Street, Glasgow, G51 should be £4,600 per annum being the amount sought by the landlords.

In reaching this decision the Committee have had regard to all of the considerations required to be taken into account in terms of Section 48 of the Rent (Scotland) Act 1984.

This decision takes effect from 22 November 2010.

Signed 

James Bauld, Chairperson

Date 7 December 2010

Signature of Witness 

Date 7/12/10

Name: Gillian Williams

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

Designation: Senior Court Administrator