



**PRIVATE RENTED HOUSING PANEL**

**RENT (SCOTLAND) ACT 1984**

**Notification Of Decision By The Private Rented Housing Committee**

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<b>REFERENCE NO:</b>	<b>OBJECTION RECEIVED</b>	<b>OBJECTION</b>
RAC/G42/844	13 February 2012	Landlord

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**ADDRESS OF PREMISES**

Flat 1/5, 157 Stanmore Road, Glasgow, G42 9AN

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**TENANT**

Mr L Suttie

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**NAME AND ADDRESS OF LANDLORD**

West of Scotland Securities Co. Ltd

**AGENT**

Ross & Liddell Limited  
60 St Enoch Square  
Glasgow  
G1 4AW

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**DESCRIPTION OF PREMISES**

First Floor tenement flat (circa 1890) comprising three rooms, kitchen and bathroom.

Gross internal floor area – 104 metres squared.

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**SERVICES PROVIDED**

None

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**COMMITTEE MEMBERS**

**CHAIRMAN**  
**SURVEYOR**  
**HOUSING PANEL MEMBER**

Jim Bauld  
Alan English  
Chris Harvey

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<b>FAIR RENT</b>	<b>DATE OF DECISION</b>	<b>EFFECTIVE DATE</b>
£ 5400 p.a.	10 April 2012	10 April 2012

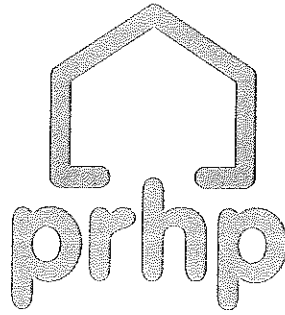
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**J Bauld**

Chairman of Private Rented Housing Committee

*10 April 2012*

Date



## **Determination by Private Rented Housing Committee**

Statement of Reasons by the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

In connection with the inspection on 10<sup>th</sup> April 2012 of the property at

Flat 1/2, 157 Stanmore Road, Glasgow, G42 9AN

Case Reference Number: RAC/G42/844

### **The Parties:-**

1. The landlords of the property are West of Scotland Securities Company Limited per their agents Messrs Ross & Liddell Limited, 60 St Enoch's Square, Glasgow, G1 4AW. The tenant is Mr Leslie Suttie who resides at the property. The tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

### **Background:-**

2. The current rent for the property is £4,920 per annum (£410 per month). The landlords proposed an increased rent to £5,750 per annum (£479.17 per month). The rent officer determined a rent of £4,072 per annum (£339.33 per month) with effect from 20<sup>th</sup> December 2011. The landlords appealed that determination to the Private Rented Housing Panel ("PRHP").

### **The Inspection:-**

3. The Private Rented Housing Committee consisting of James Bauld, Chairman, Mr Alan English, surveyor and Mr Christopher Harvey, housing member, inspected the property on 10<sup>th</sup> April 2012.
4. The property is contained within a 3 storey grey sandstone tenement block with a tiled roof. The property is situated on the 1<sup>st</sup> floor. The property consists of three rooms, kitchen and bathroom. The gross internal floor area amounted to 104 square metres or thereby. The property had a gas central heating system and was fully double glazed. The property had a secure door entry system. There was a communal back court area which was in good condition and contained the bin storage area. The property was conveniently situated for public transport links, local shops and services. It is in the Mount Florida area of Glasgow. The property was built in or around 1890.

## The Decision

5. The landlords and tenant had both indicated they did not wish to attend a hearing in respect of this matter. Accordingly, after the inspection, the Committee convened at the offices of the PRHP to consider their decision.
6. The Committee had the following documentation before them:-
  - Copy Form R01 in respect of the property being the landlords' application for registration of rent dated 25<sup>th</sup> April 2011
  - Determination by the Rent Officer dated 20<sup>th</sup> December 2011
  - Written representation received from the tenant dated 20<sup>th</sup> February 2012
  - Written representation received from the landlord dated 28<sup>th</sup> February 2012
7. The Committee considered all the documents provided. The Committee also obtained details of other properties available for let in the area from internet advertisements.
8. 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 other 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.
9. The Committee are also required to assume that in terms of Section 48 (2) of the said Act that "the number of persons seeking to become the tenants of similar dwellinghouses in the locality on the terms (other than those related 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".
10. No capital valuations of the property were produced to the Committee. The Committee were provided with information on rents for a number of suggested comparable properties by the landlord. The landlord made reference to comparable properties at 149 Stanmore Road and 165 Stanmore Road. The landlord also provided details of other properties available for let via internet sites. These properties were generally in the Mount Florida and Queens Park areas of Glasgow. The Committee had also been provided with a decision by another PRHP relating to property at Flat 2/2, 206 Battlefield Road, Glasgow, G42 9HN. That decision had been made on 23<sup>rd</sup> March 2011.
11. The Committee took into account all of the comparables provided by both the landlord and by the Clerk to the Committee. The Committee also proceeded to exercise their own knowledge and experience and considered the information which was available to them from all other sources. The Committee, using their own knowledge and experience and taking into account the various comparables provided by the landlord took the view that the range of rents for similar sized flats within the general area of the property ranged from £500 per month to £700 per month depending on the size of the flat and its location. The Committee took the view that the average rent for a modernised property of the same size as the property under consideration would be approximately £600 per month. The Committee accordingly took the view that the fair market rent for a fully modernised and furnished flat in this locality of a similar size and location as the subject property would be £600 per month or £7,200 per annum.

12. The Committee further determined that the present property was let as unfurnished and did not benefit from all the normal amenities and facilities that would be expected in a modernised flat. The Committee noted that the property did not have a modernised kitchen or bathroom. The Committee also noted that no furniture or white goods were provided within the kitchen and the Committee noted that the floor coverings within the property were not provided by the landlord. The Committee therefore considered that a reasonable deduction was required to reflect the difference between the property at Flat 1/2, 157 Stanmore Road, Glasgow and the market rent for a modern flat of the same size and in the same location.
13. The Committee considered the cost of providing a modernised kitchen and bathroom and providing appropriate furniture and white goods and flooring would justify a reduction in the annual rent of £1,800 per annum. Accordingly the Committee determined that a fair rent for the property would be £5,400 per annum being the market rental level for a fully modernised flat under deduction of the works required to reflect the differences between such a modern flat and the property under inspection. Accordingly the Committee determined that a fair rent for the property should be £5,400 per annum being or £450 per month.
14. Having determined the rent, the Committee then considered whether there should be any scarcity deduction in terms of Section 48 (2) of the 1984 Act. Applying their skill, knowledge and experience, the members of the Committee could find no evidence of excess demand for properties such as the one under inspection and noted also that there appeared to be a large number of properties available for rent in the general locality of the subjects. The Committee accordingly determined that there was no significant scarcity of properties.
15. Having considered all the relevant factors, the Committee decided a fair rent for the property at Flat 1/2, 157 Stanmore Road, Glasgow, G42 9AN should be £5,400 per annum. The Committee decided that this rent should apply from the date of the determination being 10<sup>th</sup> April 2012. 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.
16. The Committee noted in the determination by the Rent Officer which was the subject of this appeal that it was indicated that the "previous" rent was £3500 per year. All parties were agreed that the current rent was £4920 per year which was the fair rent amount determined by a previous committee. The committee were concerned that the rent officer had been using incorrect information when assessing the application made by the landlord. The application lodged by the landlord indicated the correct current rental level of £4920. The figure used by the rent officer as the "previous" rent was the amount previously determined by the rent officer in January 2009 but which had been replaced by a fair rent set by a previous committee which had issued a determination in April 2009. The amount determined by the rent officer in this application of £4072 per year was a figure substantially lower than the current fair rent. It is a matter of concern to the Committee that the Rent Officer's records have not been updated or appear to be out of date

17. The decision of the Committee was unanimous. This decision takes effect from 10<sup>th</sup> April 2012.

Signed **J Bauld**

Date *24 April 2012*

James Bauld, Chairperson

Signature of Witness **G Williams**

Date *24/4/12*

Name: *GILLIAN WILLIAMS.*

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

Designation: Senior Court Administrator