

RENT ASSESSMENT PANEL FOR SCOTLAND

RENT (SCOTLAND) ACT 1984

NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE

REFERENCE NO.	OBJECTION RECEIVED	OBJECTION
RAC/G14/398	7 December 2005	Landlord

ADDRESS OF PREMISES
2/2, 1941 Dumbarton Road, Glasgow, G14 0YT

TENANT
Miss H Hayes

NAME AND ADDRESS OF LANDLORD/AGENT
Yoker Housing Association, 10 Kelso Place, Glasgow, G14 0LL

DESCRIPTION OF PREMISES
Second floor tenement flat pre1919, with central heating and double glazing, comprising 2 rooms, galley kitchen and dark bathroom.

SERVICES PROVIDED
None

COMMITTEE MEMBERS

CHAIRMAN	Mrs E J Docherty BL
PROFESSIONAL MEMBER	Mr A English FRICS
LAY MEMBER	Mr C Harvey

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£2,216.28 per annum	27 February 2006	15 November 2005

J Docherty

Chairman of the Rent Assessment Committee

27/2/06
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Date

**SUPPLEMENTARY RENT ASSESSMENT COMMITTEE OF MONDAY 27TH
FEBRUARY 2006 (FOLLOWING UPON RENT ASSESSMENT COMMITTEE
OF MONDAY 13TH FEBRUARY 2006)**

STATEMENT OF REASONS

PROPERTIES

(One) second floor right hand house at 1941 Dumbarton Road, Yoker, Glasgow G14 OH2 (hereinafter referred to as "flat (2/2) 1941") and

(Two) second floor left hand house at 2066 Dumbarton Road, Yoker, Glasgow, G14 OH2 (hereinafter referred to as "flat (2/1) 2066")

INTRODUCTION

This is a reference to a Rent Assessment Committee for the determination of fair rents under the Rent (Scotland) Act, 1984 ("the Act") in respect of the two flats specified above. The Landlords of both flats are Yoker Housing Association Limited ("the Association") 10 Kelso Place, Glasgow, G14 OLL

The Tenant of flat (2/2) 1941 is Ms. Helen Hayes who has lived in her flat for 12 years. Her current rent is £1876.26 and in September 2005 the Landlords applied in terms of the Act to have the rent registered at the sum of £2476.56. The Rent Officer determined the rent at the sum of £2113 with effect from 15th November 2005.

The Tenant of flat (2/1) 2066 is Mr. Archibald Murray who has lived in his flat for 22 years. His current rent is £2103.13 and in September 2005 the Landlords applied in terms of the Act to have the rent registered at the sum of £2612.64. The Rent Officer determined the rent at the sum of £2475.64 with effect from 15th November 2005. The reference to the Committee has been made by the Landlords.

In September 2005 when the Landlords submitted the relative RRI forms for increases in the registered rents of these two flats they also submitted Applications for rent increases for other of their properties. On 30th November the Landlords appealed against the determination of the Rent Officer in respect of a total of nine flats.

On 13th February 2006, the Committee carried out inspections of seven of these flats. Following the subsequent Hearing in the Offices of the Rent Assessment Committee, ("R.A.C. Offices") 140 West Campbell Street, Glasgow the Committee made its Decision and the relative Statement of Reasons was duly prepared.

At the time of the inspections on 13th February 2005, neither Ms. Hayes nor Mr. Murray was available to allow the Committee access to view their houses and it was agreed that an inspection and Supplementary Hearing would be fixed for 27th February 2005.

INSPECTION

1. Flat (2/2) 1941

The Committee inspected this house on the morning of 27th February, 2006. The Tenant; Ms. Hayes was present throughout the inspection. The Landlords were not in attendance. This house is located on the second floor of a traditional red sandstone tenement which has two shops on the ground floor and three upper floors each with two houses thereon. The roof is tiled and the building would appear to have been stone cleaned some time ago. There is a security door on the close. The close, stairs and landings were clean and well decorated. The house lies on the right hand side of the second floor landing. The hall of the house gives access to the living room at the front of the flat, a bedroom and kitchen at the back of the flat and also an internal vented bathroom. The living room is a good size room with a bay window. The replacement windows are wooden framed and double-glazed. The gas fire, which is in working order, is quite an old model but the Tenant confirmed it is checked annually. There is one central heating radiator. The bedroom can comfortably accommodate a double bed. There is one window in the room and this too is wooden framed and double-glazed. There is also a radiator. The kitchen is a galley kitchen with the original units, which were in the house when the Tenant first took entry. She has put in some additional units. The stainless steel sink and Landlords' units are still in reasonable condition. The kitchen window is similar to the others in the house and there is a radiator in the kitchen. The bathroom is smallish with a three-piece white suite in reasonable condition. The walk-in hall cupboard houses the central heating boiler. The wiring in the house is fairly modern although the Tenant complained there were insufficient power points. At the time of the inspection the house was warm and dry. The backcourt of the tenement is grassed and tidy and the ashbin shelters are modern and neat. With shops on the ground floor, the neighbourhood is both commercial and residential. Parking is on the busy Dumbarton Road and may prove difficult. Shopping and travel are good.

2. Flat (2/1) 2066

This house was also inspected on the morning of 27th February 2006. At the inspection the Tenant's sister represented Mr. Murray but the Landlords did not attend. The house is part of a four storey, red sandstone traditional tenement. The roof is tiled and from the Committee's earlier inspections of neighbouring houses, the Committee is aware that this entire block was refurbished over 20 years ago when the façade was stone cleaned. There are no shops on the ground floor of the tenement. There is a security door on the close and on both this door and in the front entranceway there is graffiti. The close, stairs and landings are clean and well decorated. The house is the left hand house on the second floor of the building. The accommodation within the house comprises a living room and two double bedrooms to the front, a third double bedroom and a galley kitchen to the back and an internal vented bathroom. The bay windowed living room is a good size. The fireplace has been removed and the wall plastered but not decorated. The tenant's representative explained that her brother had problems with water penetration at the window. He had repeatedly asked the Association to attend to an outside crack at the window, which was the source of the problem. Until this was dealt with he was unable to redecorate the room. At the time of the inspection the weather was dry and the Committee could not identify the problem. The windows throughout the house are new pvc double-glazed. A gas central heating boiler in the kitchen serves radiators in all the rooms and the hall. It

also provides hot water in the house but the Tenant's representative said that it was extremely inefficient in relation to the hot water supply. The flow of hot water is so slow that it takes about twenty minutes to run a bath. This problem is long standing and has frequently been reported to the Landlords. The Association at the time of the refurbishment over twenty years ago fitted the units in the kitchen and the white bathroom suite. They are still functional. The house was warm and dry at the time of the inspection. The backcourt of the tenement is hard land scaped with newish bin shelters and at the time of the inspection was reasonably tidy. There is also a common play area serving all the surrounding tenements. This too is hard land scaped and fairly tidy although the adjoining common shrubbed areas are covered with rubbish. The Landlords arrange for the cleaning of the close and stairs and no charges are being passed onto the Tenants at the present time. The neighbourhood is mostly residential although there are two shops on the ground floor of the tenement at 2058 Dumbarton Road. Parking is on the busy Dumbarton Road. Shopping and travel are good.

HEARING

The Hearing took place on the morning of 27th February 2006 in the R.A.C. Offices. Mr. Kevin Freeman, a Housing Officer of the Landlords, attended on their behalf. No Tenant attended.

The Committee had before them the following documents,

- a. Two relative RRI Applications dated 8th September 2005.
- b. Landlords' objection letter dated 30th November 2005.
- c. Two relative Rent Register pages dated 5th December 2005.
- d. Representation from Landlords dated 21st December 2005.
- e. List of Comparables.

Mr. Freeman then presented his case for appealing against the fair rents for these two houses as determined by the Rent Officer.

He initially explained that the RRI Application for flat (2/2)1941 was incorrect and the correct sum for an increased rent for this house should have been £2216.28 and not £2476.56 as set out in the Application. This house is a one-bedroom house with central heating and double-glazing and based on its size and amenities the figure of £2216.28 is consistent with the rents of other comparable Association houses. In particular Mr. Freeman asked the Committee to consider two properties (2/1) 20 Kelso Street and (2/1) 9 Kelso Street where the Rent Officer had agreed the rents of £2376.72 applied for by the Association. Both these one-bedroom houses had dining kitchens and therefore attracted higher rents. However they assisted in indicating that a rent of £2216.28 for flat (2/2)1941 was appropriate. Mr. Freeman produced plans for both properties which allowed the Committee to appreciate the larger areas of the Kelso Street houses

Mr. Freeman also pointed out that the flat (2/1)2066 was similar in size and amenities to two other houses (1/1)2066 and (2/1)2068 previously inspected by the Committee. In both of these cases the Association had asked for similar amounts of increased rents to bring them into line with other current rents of equivalent houses in the block. He considered that the rents for all three flats should be the same in conformity with the policy of the Association.

Mr. Freeman asked the Committee to consider a property at 1 Kelso Place which is a four apartment house for six persons with a dining kitchen and an additional w.c. but without double-glazing. The registered regulated rent of this house is £2730.60. He also made reference to the house at (2/1) 60 Earl Street in the Clerk's List of Comparables with a basic registered rent of £2659.69. This is probably a Whiteinch Housing Association property and Mr. Freeman was not aware if the windows are double-glazed. The Association was seeking a lower rent of £2612.64 for their comparable four apartment houses with double-glazing. The Committee brought to the attention of the landlords the complaints made by the Tenants with particular reference to the problems with the hot water supply. Mr. Freeman said that before leaving his office he had checked from the maintenance records that there were no outstanding repairs to the houses. He said he would report the Tenants' complaints to the Maintenance staff for investigation.

DECISION

The Committee considered carefully the written documentation before it along with the submissions of Mr. Freeman. It unanimously agreed that this Hearing must be regarded as a supplementary Hearing to the earlier Hearing of 13th February 2006 and that all nine cases being considered at the two Hearings must be treated as one and the same reference to the Committee. In the later Hearing, Mr. Freeman had clarified the apparent anomaly of the Association's application to have the rent of the two apartment house (2/2) 1941 determined at a higher rate than the rent for other three apartment houses. He had provided the Committee with sufficient information of other comparable houses to justify the increased rents now being sought by the Association. The Committee took the view that that its Decision must be consistent with its Decision at the earlier Hearing. It would be inequitable to consider the rents for all nine houses other than as a single reference. Therefore the Committee determined that the terms of its Decision as set out in the Statement of Reasons dated 13th February 2006 are incorporated into this supplementary Statement of Reasons. On this basis, the Committee determined the fair rents for the additional two houses at the following rates,

- | | |
|--------------------|----------|
| 1. Flat (2/2) 1941 | £2216.28 |
| 2. Flat (2/1) 2066 | £2612.64 |

It further determined that this Statement of Reasons must be treated as a supplement to the original Statement of Reasons of 13th February 2006 and read only in conjunction therewith.

In reaching this decision the Committee has had regard to all the requirements of the Act.

The Committee's decision takes effect from 15th November 2005.

Chairman
Date

J Docherty

21st March 2006