

RENT ASSESSMENT PANEL FOR SCOTLAND

RENT (SCOTLAND) ACT 1984

NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE

REFERENCE NO. **OBJECTION RECEIVED** **OBJECTION**
RAC/G14/404 7 December 2005 Landlord

ADDRESS OF PREMISES
1/2, 2068 Dumbarton Road, Glasgow, G14 0HT

TENANT
Mr P Lynch

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

DESCRIPTION OF PREMISES
1st floor tenement flat Pre1919, with central heating and double glazing, comprising 3 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**
£2,394.96 per annum 13 February 2006 15 November 2005

J Docherty

Chairman of the Rent Assessment Committee

27/2/06
Date

RENT ASSESSMENT COMMITTEE OF MONDAY 13TH FEBRUARY 2006

STATEMENT OF REASONS

PROPERTIES

(One) third floor left hand house at 2058 Dumbarton Road, Yoker, Glasgow G14 OH2 (hereinafter referred to as "flat(3/1) 2058"),

(Two) third floor right hand house at 2058 Dumbarton Road Yoker, Glasgow G14 OH2 (hereinafter referred to as "flat (3/2) 2058"),

(Three) first floor left hand house at 2066 Dumbarton Road, Yoker, Glasgow G14,(hereinafter referred to as "flat (1/1) 2066"),

(Four) third floor left hand house at 2066 Dumbarton Road, Yoker, Glasgow, G14 OH2 (hereinafter referred to as "flat (3/1) 2066"),

(Five) first floor right hand house at 2068 Dumbarton Road, Yoker, Glasgow, G14 OH2 (hereinafter referred to as "flat (1/2) 2068"),

(Six) second floor left hand house at 2068 Dumbarton Road, Yoker, Glasgow, G14 OH2 (hereinafter referred to as "flat (2/1) 2068") and

(Seven) second floor right hand house at 2074 Dumbarton Road, Yoker, Glasgow, G14 OH2 (hereinafter referred to as "flat (2/2) 2074").

INTRODUCTION

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

The tenants, their respective periods of occupancy, previous annual rents,the increased rents proposed by the Landlords and the rents determined by the Rent Officer are as follows

House	Tenant	Occupied	Current Rent	Proposed Rent	R.O's Rent
1.(3/1)2058	Mrs. Bickerstaffe	22years	£1959.45	£2394.96	£2257.62
2.(3/2)2058	Mrs. J. Clark	22years	2405.38	2884.80	2757.58
3.(1/1)2066	Mr. G. Carmichael	22years	2103.13	2612.64	2475.64
4 (3/1)2066	Mrs. E. Reid	22years	1921.62	2394.96	2257.62
5 (1/2)2068	Mr. P. Lynch	22years	1921.62	2394.96	2257.62
6.(2/1)2068	Mr.&Mrs.Whitehouse	20years	2103.13	2612.64	2475.64
7.(2/2)2074	Mrs.M. McNeil	22years	1921.62	2394.96	2257.62

The reference to the Committee has been made by the Landlords

INSPECTION

1. Flat (3/1) 2058

The Committee inspected this house on the morning of 13th February 2006. The Tenant, Mrs. Bickerstaffe was present throughout the inspection but there was no representative of the Landlords in attendance. This house is located on the top or third floor of a traditional red sandstone tenement which has two shops on the ground floor. The roof is tiled and the building would appear to have been stone cleaned sometime ago. There is a security door on the close which at the time of the inspection had a faulty lock. There was also graffiti on the security door and entrance. The close, stairs and landings are spacious and well decorated. The house which is a corner flat lies on the left hand side of the top floor and has an L shaped hall which gives access to a living room and bedroom looking onto Dumbarton Road and a second bedroom, galley kitchen and bathroom looking onto the side of the property. The living room is a generous size with a bay window to the front and a single window to the side. There is one central heating radiator in the room. The Tenant explained that the gas fire had been disconnected by the Landlords and the fireplace which she had fitted is now simply decorative. The front double bedroom is also a generous size and has two single windows and one radiator. The side bedroom is also a good size comfortably accommodating a double bed and has two windows and one radiator. The kitchen could best be described as a wide galley kitchen with a single window. The units have been provided by the Landlords. The bathroom is smallish with a three piece suite in good condition. There is a single window in the bathroom and a radiator. The central heating combi boiler is located in the cupboard in the hall beside the side bedroom. The flu is taken through the loft space to the roof. All the windows throughout the house are new pvc double glazed. The house was refurbished shortly before 1984 when the Tenant took entry to the house. The wiring is modern and there are sufficient points throughout the house. At the time of the inspection the house was warm and dry.

2. Flat (3/2) 2058

The Committee also inspected this house on the morning of 13th February 2006 when the Tenant, Mr. Clark was in attendance. The Landlords were not present. This house lies across the landing from the previous house and is entered from the door on the right hand side of the top or third floor landing. This is a large house with a wide hall with a narrower offshoot. The hall gives access to a generous living room with bay window, four double bedrooms, a dining kitchen, bathroom and additional w.c. All the windows are new pvc double glazed, the gas combi boiler heats radiators in all the rooms and the hall. The kitchen units and bathroom fittings are in good condition. The w.c. has a washhand basin as well as w.c. The wiring is modern with sufficient points. This house was also warm and dry when inspected.

3. Flat (1/1) 2066

This house was also inspected on the morning of 13th February 2006 and the Tenant, Mr. Carmichael attended. The Landlords did not attend. The house is part of a similar four storey neighbouring red sandstone, tiled tenement, stone cleaned over twenty

years ago but with no shops on the ground floor. There is a security door but on both the door and the front entranceway there is some graffiti. The close, stairs and landings are clean and well decorated. This house enters from the left hand first floor landing. Although the hallway is fairly broad it is for the most part divided by an internal wall which restricts its use. There is a generous living room with a bay window, three double bedrooms, a wide galley kitchen and an internal vented bathroom. The windows throughout the house are new pvc double glazed. A gas central heating boiler serves radiators in all the rooms and the hall as well as hot water. The Tenant pointed out to the Committee cracks in the plasterwork both in the internal hall wall and the kitchen. He also said there was water penetration at the window in the living room. The units in the kitchen and the bathroom suite were provided by the Landlords. This house was warm and dry when inspected.

4.Flat(3/1)2066

This house was inspected by the Committee immediately after the previous inspection. The Tenant, Mrs. Reid attended. The Landlords were not present.

This house is in the same tenement as the previous house and is entered from the lefthand door on the top or third floor landing. There is a good sized living room with a bay window, two generous double bedrooms, a wide galley kitchen and an internal vented bathroom. Again all windows are new pvc double glazed but Mrs. Reid said she had difficulty cleaning the outside of the windows. In the back bedroom at the time of the inspection the centre light fitting had been removed. The Tenant explained that she often had trouble with water penetration caused by missing tiles in the roof. Although the Landlords fixed the roof as and when she complained, the problem was a recurring one. She had not asked to have the central light reconnected until she was satisfied the problems are now resolved. She said it is dry at the present time. There are now no signs of dampness on the ceiling which has recently been painted. In the kitchen the Tenant has replaced all the units other than the stainless steel sink. She agreed the units which she had replaced although worn were still functional. The bathroom suite was the one installed by the Landlords although the shower was fitted by the Tenant. At the time of the inspection the house was warm and dry. Mrs. Reid also pointed out to the Committee that the padlock on the loft hatch on her landing was broken and a security risk.

5.Flat(1/2)2068

Again the Committee inspected this house on the morning of 13th February, 2006. Mr. and Mrs. Lynch were present but not the Landlords. This house lies within the tenement adjoining the tenement in which the two previous houses are located. There are no shops on the ground floor of this traditional four storey red sandstone property; the building has been stone cleaned in the 1980s and the roof is tiled. There is some graffiti on the functioning security door on the close and the front entrance. The close, landings and stairs are clean and well decorated. This house is the right hand house on the first floor. It comprises a living room, two bedrooms, a galley kitchen and an internal vented bathroom. The living room is a good sized room with a bay window. Both bedrooms can comfortably accommodate a double bed or twin beds. The kitchen and bathroom fittings have been installed by the Landlords. All windows are new pvc double glazed. The wiring is modern with sufficient power points. The combi boiler is fitted in the kitchen and heats the water and also radiators in all the rooms and in the hall. At the time of the inspection the house was warm and dry.

6.Flat(2/1)2068

This house was inspected by the Committee following the previous inspection. Mrs Whitehouse, the Tenant, was there throughout the inspection but the Landlords were not present. The house is in the same tenement as the previous house and is entered from the left hand door on the second floor landing. The house comprises a living room, three generous bedrooms, a galley kitchen and internal vented bathroom. The living room is a large room with a bay window. All three bedrooms can comfortably take a double bed or twin beds. The kitchen units and bathroom suite are those installed by the Landlords and remain functional. All windows are new pvc and double glazed. A combi gas boiler heats the water and radiators throughout the house. The Tenant complained that the hot water flow from the system was extremely poor and demonstrated this to the Committee with the hot water supply to the bath. The wiring is modern and there are sufficient power points. The house was warm and dry at the time of the inspection

7.Flat(2/2)2074

The Committee was unable to inspect this house. However from an external viewing of the property the Committee could see that this tenement, which does not have shops at street level, was similar to the three tenements in the block already viewed by the Committee. It was a traditional four storey red sandstone building, part of the same refurbishment scheme in the 1980s with a tiled roof and security door. All windows were new pvc and presumably double glazed. The Committee did not gain access to the close.

The individual back courts of each tenement is hard-landscaped with ashbin shelters which were reasonably tidy at the time of inspection. In addition, there is a hard-landscaped central play area which serves all the surrounding tenements. There are also two common shrubbed areas which seem to have deteriorated into rubbish dumps.

The neighbourhood is mainly residential. All properties have on-street parking and the shopping and travel facilities are good.

HEARING

The Hearing took place on the afternoon of 13th February 2006 in the offices of the Rent Assessment Committee, 140 West Campbell Street, Glasgow, G2 4TZ. The Landlords' Housing Manager, Mrs. Ann Wilkinson attended on their behalf. No Tenant attended. The Committee had before them the following documents,

- a. Seven relative RR1 Applications dated 8th September 2005
- b. Landlords' objection letter dated 30th November 2005
- c. Seven relative Rent Register pages dated 5th December 2005.
- d. Representation from Tenant, Mrs. Bickerstaffe dated 10th December 2005 .
- e. Representation from Tenant Mr. Carmichael dated 12th December 2005.
- f. Representation from Landlords dated 21st December 2005.
- g. List of Comparables

Mrs. Wilkinson then presented her case for determining the fair rents for all seven houses at the increased figures originally submitted by the Landlords. She explained that when the three yearly review period for regulated houses was due the Landlords had applied to have the rent reviewed for a larger number of their houses. In all but nine of the cases, the Rent Officer had agreed their proposed increased figures. However, in the present seven cases and in two other cases also under appeal the Rent Officer had determined the fair rent at a lower figure and it is these lower figures against which they are now appealing. Mrs. Wilkinson advised the Committee that all properties were refurbished in the 1980s, new windows and new central heating systems were recently installed. Cyclical improvements are carried out to the houses as and when money is available. All houses have functional kitchen and bathroom facilities but some may be newer than others. In this block, it is the policy of the Association to seek the same level of rent for all houses with equivalent accommodation irrespective of the actual floor area of the house. So, all two bedroom houses attract the same level of rent and likewise with the three or four bedroom houses. In all cases of two bedroom houses, the Association have asked for £2394.96 per annum, for three bedroom houses £2612.64 and for the four bedroom house £2884.80. These rents are based on all houses having full central heating and double glazing. Mrs. Wilkinson made specific reference to two successful review applications in relation to other of the Association's properties where proposed higher rents had been agreed by the Rent Officer. One was a three room (4 person) house with dining kitchen and bathroom at 1933 Dumbarton Road where an increased rent of £2512. was agreed by the Rent Officer and the other a three room (3 person) house with galley kitchen and bathroom at 28 Lasswade Street where the Rent Officer agreed an increased rent of £2358. Mrs. Wilkinson advised that the Association have 530 properties all of which are occupied. They have no empty houses and there is a very low turnover in the houses. Of their stock only about 15% are Regulated Tenants. However, it is now the practice of the Association to seek rents for the Regulated Tenants at the same rate as the other Tenants and the rents proposed by them fall into line with the rents being paid by the other Tenants. Of course, the other Tenants have their rents reviewed annually while the Regulated Tenants are reviewed only at three yearly intervals.

Mrs. Wilkinson also pointed out that the Association makes no charge for services. At present they arrange the stair window cleaning and now propose also to arrange the stair cleaning. They do not pass on to the Tenants the stair lighting charges.

The Committee brought to the attention of Mrs. Wilkinson those houses on the Clerk's List of Comparables. She had no knowledge of the two bedroom house in Riversdale Lane. She considered the three bedroom house in Earl Street was a fair comparable with the Association's three bedroom houses. They were in the same locality, likely to be in the same condition and with equivalent facilities. She also reckoned the four bedroom house in Scotstoun Street compared fairly with the Association's four bedroom house. In both cases, the basic rents of the comparable houses were greater than the relative comparable rents applied for by the Association. The Committee also brought to Mrs. Wilkinson's attention the complaints made by the Tenants and she advised that the maintenance officers deal with complaints when they are received.

Mrs. Wilkinson was asked to clarify the Association's letting policy. She explained they have a very large waiting list of about 650. Many on the waiting list will also be on other city west end Housing Association's lists. Their policy of letting is needs-driven and high need cases are prioritised with homelessness being a top priority.

Mrs. Wilkinson was also asked to explain the Association's mechanism in fixing their rent increases. She advised that the Association is regulated by the Community (Scotland) legislation which requires them to maximise their rents. There is an annual review and generally rents are increased at the rate of inflation plus 1%. She further explained that the increase which they had proposed for their Regulated Tenants was to bring these rents up to the level of other comparable houses in the same properties. She emphasised that the figures the Association had asked for were fair figures and it would appear that in the nine cases where the Rent Officer had reduced these figures the relative RR1 applications had not included building improvement works and the Rent Officer is likely to have taken the view that these houses were in a poorer condition than the other houses where he had agreed the proposed increased rents. In fact, all houses are more or less in the same condition and have the same facilities. She considered the Rent Officer's figures to be too low.

In conclusion Mrs. Wilkinson confirmed Mrs. McNeil's house (2/2)2074 is almost the same in area as Mrs. Reid's house (3/1)2066 and the rent for both houses would be set at the same level by the Association.

DECISION

The Committee considered the written documentation specified above but as no written submissions had been made by any of the parties, it relied mainly on the oral submissions of Mrs. Wilkinson. She had put forward a strong case for the increased rents for the seven listed houses being dealt with in the same manner as the increased rents for the other houses which had been agreed by the Rent Officer. From the inspection, the Committee could appreciate that all the Association's houses were more or less in the same state of repair and enjoyed similar facilities and amenities. She had also referred to two houses in the area which compared closely with similar houses now under appeal. She had pointed out that the increased rents for these two houses were as applied for and yet they were in virtually the same condition as the houses now being considered where lower rents had been determined by the Rent Officer. She had put forward a reasonable explanation for the difference in these decisions by pointing out the shortcomings in the relative RR1 Applications. The Committee had also considered the rents taken from the Clerk's List of Comparables and in the three pertinent cases all were higher than those now being sought although the relative houses are likely to be similar. In the whole circumstances the Committee considered that the increased rents being applied for by the Landlords sit comfortably with other Regulated rents set in the locality.

The Committee also carefully considered its duties under the 1984 Act with particular reference to s.48 (1) and (2). In considering its duty "to have regard to the rents of comparable property in the area" the Committee agreed that in the present referral, it was appropriate to limit such comparable properties to those only of Housing Associations whose renting policies will be consistent with the Association's. The Committee then considered whether it should be allowing a scarcity deduction from such comparable rents. The Committee is conscious of the fact that in the present climate of the private property letting market a strong argument exists that the demand for rented accommodation is adequately met by the supply of same and no scarcity deduction is therefore appropriate. It was also conscious of the fact that it has been told that there is a waiting list of several hundred people on the Association's list and this factor would normally indicate to a Committee that there is a shortage of supply. However, the Committee has also been told that the names of the same people

are likely to be on most west end Housing Association lists. In addition, the Association's letting policy ensures that its list includes referrals of high-need cases and a large percentage of these are homeless cases which must be prioritised. Accordingly, the Association's waiting list is unlike those of a private letting agency, the Association's letting policy being needs-driven and not profit-driven. The Committee took the view that, notwithstanding the Association's waiting list numbers, it was not appropriate in this referral to make an allowance for scarcity as this would result in a fair rent being fixed at a rate lower than those already determined for other of the Association's Regulated Tenants. The Committee could see no reason why the increased rents for the seven houses under appeal should be set at a figure lower than those proposed by the Association even although these figures are at the same level as non regulated houses. It determined therefore that the fair rents for the seven houses should be at the rate proposed by the Landlords, namely

1. <u>Flat(3/1)2058</u>	£2394.96
2. <u>Flat(3/2)2058</u>	2884.80
3 <u>Flat (1/1)2066</u>	2612.64
4 <u>Flat (3/1)2066</u>	2394.96
5. <u>Flat(1/2)2068</u>	2394.96
6. <u>Flat(2/1)2068</u>	2612.64
7. <u>flat(2/2)2074</u>	2394.96

In reaching this decision the Committee has had regard to all the requirements of the 1984 Act.

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

Chairman

J Docherty

Date

3-1 March 2006