

RENT ASSESSMENT PANEL FOR SCOTLAND

RENT (SCOTLAND) ACT 1984

NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE

REFERENCE NO.	OBJECTION RECEIVED	OBJECTION
RAC/AB38/425	30 March 2006	Landlord

ADDRESS OF PREMISES

Burnside of Esquibue Cottage, Aberlour, Banffshire, AB38 9NS

TENANT

Mr AR Duncan

NAME AND ADDRESS OF LANDLORD

Carron Bridge Estate
Inkersall Farm Estate Office
Bilsthorpe
Newark
Notts
NG22 8TL

DESCRIPTION OF PREMISES

Traditional stone built cottage circa 1900 with oil fired central heating and partial double glazing comprising living room, one bedroom, kitchen, bathroom, utility room and two attic rooms.

SERVICES PROVIDED None

COMMITTEE MEMBERS

CHAIRMAN	Mrs A McCamley BA LLB NP
PROFESSIONAL MEMBER	Mr R Buchan BSc. FRICS
LAY MEMBER	Mr A McKay

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 3350.00 per annum	9 May 2006	9 May 2006

A McCamley

Chairman of the Rent Assessment Committee

9th May 2006
Date

RENT ASSESSMENT COMMITTEE

Held On: 9th May 2006

Property: Burnside of Esquibue Cottage, Aberlour

Introduction

This is a reference to the RAC in respect of a cottage known as Burnside of Esquibue, Aberlour hereinafter referred to as "the Cottage". The landlord is Carron Bridge Estate and the tenant is Mr. A. Duncan. The tenancy is a regulated tenancy. On an application by the Landlord the Rent Officer registered a rent of £3,350 per annum effective from 10th March 2006. The landlord objected to this registered rent on the ground that it was too low. Accordingly the matter was referred to the RAC for a determination. Both parties were invited to make written representations, to attend the inspection and to attend a hearing. Only the Landlord made written representations. No hearing was sought or held. The inspection took place on 9th May 2006. The Landlord did not attend. Following the inspection the Committee made its decision.

Findings in Fact

- (2) The RAC makes the following findings in fact after its inspection of the cottage, its surroundings and consideration of all written evidence. The reference property is a traditional stone built detached country cottage with slate roof. It is situated in close proximity to the A95 two miles south of the village of Aberlour. Aberlour is a thriving village with a variety of specialist shops, a co-operative store, a village hall, library and school. There is an infrequent bus service from the cottage to Aberlour and there are no other properties in the immediate vicinity of the cottage.
- (3) Externally, there is a large garden to the side and rear. The tenant has informal use of an old hay shed for garaging his vehicle. The road which runs behind the cottage is used by heavy transport going to and from a local distillery. Accordingly although the situation is rural it is not free from traffic, vibration and noise.
- (4) Internally the cottage comprises a utility area of sufficient size to house the usual white goods, a small galley kitchen, livingroom, double bedroom, good sized bathroom with new fittings and fixtures and a front porch.

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There is an internal stairway leading to two attic rooms. The precipitate gradient of the stairway and the lack of headroom in the two attic rooms prevent these areas meeting current building standards and the Committee declined to consider them as habitable accommodation.

The cottage has been re-wired/re-plumbed, oil fired central heating has been installed and new windows have been fitted downstairs.

The Decision

The RAC accept the determination of the fair rent by the Rent Officer, the RAC determines that a fair rent for the subjects, determined in accordance with Part V of the Rent (Scotland) Act 1984, is £3,350 per annum with effect from 9th May 2006.

Reasons for the Decision

The RAC considered all the written evidence together with the observations made by Committee members at the inspection. In particular, the Committee considered carefully which of the alternative methods of ascertaining a fair rent was most appropriate in this case. It is settled law that the three main guidelines are:-

- a) To have regard to free market rents for similar properties.
- b) To compare registered rents for other similar protected tenancy properties or
- c) To ascertain what would be a fair return to the Landlord on the capital value of the house.

In this case while the Clerk had provided the Committee with a note of one registered rent decision, we did not find this helpful as it related to a semi-detached cottage with a shower room not a bathroom and we had no details of the size of the rooms or the state of repair.

Neither party made any submission on the basis of capital value and the Committee had no information thereon.

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As regards open market rents, although the Landlord had provided annual rental figures for nine properties which the Company let on the open market in the same location, we were not given details of the size, age or character of these properties some of which were "addressed" as "cottage" others as "farmhouse" with rents varying from £3,840 to £7,020 per annum.

However the Committee did seek evidence of comparable market rents by enquiry of three local property agents and the Committee has a professional surveyor member to offer guidance.

In light of the foregoing circumstances and constrained by the evidence placed before it the Committee concluded that having regard to free market rents was the most appropriate method of ascertaining a fair rent in this case.

From our enquiries with local property agents we are satisfied that a rent of £300 per month could be expected for a one bedroom property in immaculate condition in Aberlour close to all the amenities of the village. However, we felt the market for the reference property which is poorly presented, inconveniently situated for the village and bounded by two busy roads would be very different. Applying its skill, knowledge and experience as best it could and having regard to the character and extent of the subjects and all other matters required by the 1984 Act the Committee determines that the market rent for the subjects is £3,350 per annum.

Having determined the market rent the Committee then considered whether there should be any scarcity deduction in terms of Section 48(2) of the 1984 Act. The Committee, applying its skill, knowledge and experience as best it could and noting that it could find no evidence of demand for properties such as the reference property decided there was no significant scarcity of properties of this type. Thus the market rent is the fair rent in this case. Coincidentally the market rent determined by us as the fair rent is also the rent determined by the Rent Officer.

The registration of the rent fixed by this Committee takes effect from the date on which the Committee made the decision being 9th May 2006.

A McCamley
Chairman