

RENT ASSESSMENT PANEL FOR SCOTLAND

RENT (SCOTLAND) ACT 1984

NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE

REFERENCE NO.

RAC/G3/429

OBJECTION RECEIVED

5 May 2006

OBJECTION

Landlord

ADDRESS OF PREMISES

1/1, 78 Kent Road, Glasgow, G3 7EF

TENANT

Ms C Trotter

NAME AND ADDRESS OF LANDLORD

Adam Boyds Trust

AGENT

Redpath Bruce
103 West Regent Street
Glasgow G2 2DQ

DESCRIPTION OF PREMISES

First floor tenement flat pre-1919 with gas central heating, comprising 2 bedrooms, living room, kitchen and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS**CHAIRMAN**

Mrs J Taylor LLB Dip LP NP

PROFESSIONAL MEMBER

Mr G Campbell FRICS

LAY MEMBER

Mrs C Anderson

FAIR RENT

£ 3,075.00 per annum

DATE OF DECISION

27 June 2006

**EFFECTIVE
DATE**

27 June 2006

J Taylor

Chairman of the Rent Assessment Committee

27th June 2006
Date

RENT ASSESSMENT PANEL FOR SCOTLAND

RENT (SCOTLAND) ACT 1984

NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE

REFERENCE NO.

RAC/G3/430

OBJECTION RECEIVED

5 May 2006

OBJECTION

Landlord

ADDRESS OF PREMISES

1/2, 78 Kent Road, Glasgow, G3 7EF

TENANT

Mrs M Robertson

NAME AND ADDRESS OF LANDLORD

Adam Boyds Trust

AGENT

Redpath Bruce
103 West Regent Street
Glasgow G2 2DQ

DESCRIPTION OF PREMISES

First floor tenement flat pre-1919 with gas central heating, comprising 1 bedroom (off the lounge), living room, kitchen and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS**CHAIRMAN**

Mrs J Taylor LLB Dip LP NP

PROFESSIONAL MEMBER

Mr G Campbell FRICS

LAY MEMBER

Mrs C Anderson

FAIR RENT

£ 2,700.00 per annum

DATE OF DECISION

27 June 2006

**EFFECTIVE
DATE**

27 June 2006

J Taylor

Chairman of the Rent Assessment Committee

27th June 2006

Date

STATEMENT OF REASONS

in connection with

the property

Flat 1/1 and 1/2, 78, Kent Road, Glasgow, G3 7EF

THE PARTIES

The landlord is Adam Boyd's Trust and their agents are Redpath Bruce, 103, West Regent Street, Glasgow, G2 2DQ. The tenant of Flat 1/1 is Ms C Trotter and the tenant of Flat 1/ 2 is Mrs M Robertson.

BACK GROUND

Ms Trotter and Mrs Robertson have been tenants of the properties since before 1960. The Rent Officer registered rents of £3075 per annum, for flat 1/1 (with effect from 26th April 2006) and £2700 per annum for flat 1/ 2 (with effect from 19th April 2006). The previous rents were £2475 and £2200 respectively. The Landlord had sought rents of £3600 and £3300 respectively and referred the Rent Officer's determinations to The Rent Assessment Committee.

THE INSPECTION

The committee inspected the properties on 27th June 2006. The properties are located on the first floor of a three storey traditional blonde coloured, sandstone tenement, which was constructed circa 1900. The roof of the tenement is tiled.

The accommodation of flat 1/1 comprises large hallway, two bedrooms, living room with original cornicing to the ceiling, dining kitchen and narrow bathroom.

The accommodation of flat 1/2 comprises one bedroom (located off the lounge), living room, kitchen and narrow bathroom. The committee noted that there were severe plaster cracks in the lounge, bedroom and hall and in particular above the door between the lounge and bedroom where the door frame was dividing and the mitres had opened up.

The properties are single glazed and gas central heating has been installed by the landlord. The properties had been treated for dry rot in 1999, when the front section of the tenement was removed and replaced.

There is a door entry system to the tenement. At the rear of the tenement is a landscaped communal area which has been partly slabbed and partly laid with grass, the communal bin area is located here.

The property is conveniently placed for local shops and public transport. No services are provided by the landlord.

THE HEARING

No hearing was requested.

THE DECISION

The committee had the following documents before them:-

- A copy of the Rent Officer's determinations.
- A copy of the landlord's applications for registration of the rent.
- A copy of the landlord's letter of appeal dated 6th February 2006 which stated, *inter alia*:-
'We understand that as a result of a recent decision of The Rent Assessment Committee, scarcity is no longer to be taken into consideration. Consequently we wish to object to your decision and ask that the matter be referred to the Rent Assessment Committee.'
- Written statement by Ms Trotter (the tenant of flat 1/1, 78 Kent Road) which states:- *'I only wish to state that I think it in excess that the rent would rise by more than four times the amount of the 'fair rent' registered in 2003. I am aware that our rent is comparably low in relation to many other properties and that this is very likely the reason for a steep rise this year, but I still view it as out of proportion.'*
- The list of comparable rents prepared by the clerk, namely:-

Address	Accommodation	Effective date	Registered rent	Remarks
2/2, 11 Yorkhill Street, Glasgow	3 rooms kitchenette and bathroom	12 th December 2005	£2760	<ul style="list-style-type: none"> • New Tenement flat • Central heating
B/R 45 Bentinck Street , Glasgow	1 room kitchen and shower room	4 th June 2005	£4860	<ul style="list-style-type: none"> • Central heating
2/1, 213 Berkeley Street, Glasgow	3 rooms kitchenette and bathroom	15 th May 2006	£2557.96	<ul style="list-style-type: none"> • Modernised with central heating
½, 110 Hill Street, Glasgow	2 rooms kitchen and bathroom	9 th August 2005	£2639.04 Services £12	

- A copy of the landlord's agents letter of appeal dated 10th May 2006 which stated, *inter alia*:-

'Case Ref RAC/620/305 Re 1/1, 128 Raeberry Street

In this case the RAC determined that the rent applied for by the Landlord of £4200 was correct. Based on evidence of the market at that time there was deemed to be an equilibrium of supply and demand and that a deduction for scarcity did not apply. We believe this continues to be the case and that the Rent Officer's determination does not accurately reflect the market rent for this type of property.

Accommodation

The flats are situated in a substantial blonde sandstone tenement a few hundred yards from the Mitchell library. The tenement itself was the subject of a £500,000 repair and refurbishment scheme in 2000. The flats have fitted kitchens, central heating and new (sash /casement windows) installed at the landlord's expense.

We presently let flat 3/1 at 78 Kent Road, which is identical to flat 1/1. The current rent is £4664 per annum (£388.67 per month), copy lease attached.

Copies of the Glasgow Herald 'Homes to Let' section dated 12th April, 19th April, 26th April 2006 are attached. We consider the following flats to be reasonably comparable evidence of the market rent..

2 Bedroom Flats

19/4/06	West End (Rosevale Street)	£525 pcm
	2 bed trad flat	
26/4/06	Anniesland	£495 pcm
	2 bed trad ground floor flat	
26/4/06	Shawlands	£525 pcm
	2 bed mod flat (P/P)	
26/4/06	Hyndland	£550 pcm
	2 bed trad flat	

1 Bedroom Flats

5/4/06	Merchant City	£525 pcm
	1 bed apartment	
5/4/06	Shawlands	£425 pcm
	1 bed trad flat	
26/4/06	Shawlands	£425 pcm
	1 bed trad flat	
	Westend (Broomhill)	£525 pcm

	1 bed flat	
19/4/06	Dowanhill	£550 pcm
	1 Bed trad flat	
	Merchant City	£430 pcm
	1 bed modern flat	

The rents sought by the landlord in this case amount to £300 per calendar month for an unfurnished 2 bedroom property with gas central heating and £275 for an unfurnished 1 bedroom property. We believe in the current market that this can be shown to be more than a fair rent and could still be regarded as low compared to market rents for similar property. Accordingly we believe that the rents of £3600 and £3300 should be upheld.'

The committee considered these documents.

The committee were mindful of the terms of section 48 of The Rent (Scotland) Act 1984, which states, inter alia :-

"The committee shall have regard to all of the circumstances (other than personal circumstances) and in particular to apply their knowledge and experience of current rents of comparable property in the area, as well as having regard to the age, character and locality of the dwelling house in question and to its state of repair and, if any furniture is provided for use under the tenancy, and to the quantity, quality and condition of the furniture".

The committee carefully considered the most appropriate method of determining the fair rent of the property. The committee were also mindful of the observations of the Lord President in **Western Heritable Investment Co Ltd v Hunter (2004)** which requires the committee to proceed on the best available evidence and use the other evidence as a cross check where possible.

The committee noted that neither the landlords' agents nor the tenants had produced evidence of the capital valuations of the properties.

The landlords' agents had produced copies of advertisements for property to rent. The committee did not consider this to be evidence of market rents for comparable properties. The committee considered that the advertisements are simply an indication of the rents sought by the landlords of those particular properties and they did not confirm the rents paid. In addition the committee noted that properties detailed in the advertisements were located in different areas of Glasgow. Accordingly the committee did not gain any assistance from this evidence.

The landlords' agents letter dated 10th May 2006 stated that the lease of flat 3/1, 78 Kent Road was attached. However no lease was provided to the clerk or the committee.

The committee considered the comparable properties detailed in the list provided by the clerk. The committee did not consider these properties to be comparable with Flats 1/1 and 1/2, 78 Kent Road.

The committee noted that the Rent Officer had determined rents for 0/1, 79, Kent Road (4rooms) of £2840 on 21st March 2006 and for 2/1, 79 Kent Road (4 rooms) of £2906 on 21st March 2006. The committee considered these properties to be directly comparable with Flat 1/1, 78 Kent Road. They made the necessary adjustment to bring the rental figure up to date, and decided that the fair rent for Flat 1/1 was £3075.

They also considered that the properties for 0/1, 79, Kent Road and 2/1, 79 Kent Road were most comparable with Flat 1 /2, 78 Kent Road and made adjustments to reflect the following:-

- Flat 1 /2 was generally a smaller property and had one bedroom.
- The age of the decisions.
- The loss of amenity enjoyed by the tenant of Flat 1/ 2, 78 Kent Road due to the severe cracks in the lounge, bedroom and hall and in particular above the door between the lounge and bedroom where the door frame was dividing and the mitres had opened up.

Accordingly they decided that the fair rent for Flat 1/ 2, 78 Kent Road was £2700.

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

This decision takes effect from the Twenty Seventh day of June Two thousand and Six.

J Taylor

Chairperson

10th July 2006