

RENT ASSESSMENT PANEL FOR SCOTLAND

RENT (SCOTLAND) ACT 1984

NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE

REFERENCE NO.	OBJECTION RECEIVED	OBJECTION
RAC/G51/579	29 March 2007	Landlord

ADDRESS OF PREMISES

2/2, 333 Paisley Road West, Glasgow, G51 1LU

TENANT

Mrs M McDonald

NAME AND ADDRESS OF LANDLORD/AGENT

Scottish Prudential, per Hacking & Paterson, 1 Newton Terrace, Glasgow, G3 7PL

DESCRIPTION OF PREMISES

Second floor tenement flat C.1900 above commercial property, with gas central heating, comprising 2 rooms, living kitchen, and bathroom. Partially double-glazed (kitchen only).

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN	Mr R Handley LLB
PROFESSIONAL MEMBER	Mr G Campbell FRICS
LAY MEMBER	Mr T Keenan

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 3,000.00 per annum	10 May 2007	10 May 2007

R Handley

Chairman of the Rent Assessment Committee

10/5/07

Date

RENT ASSESSMENT COMMITTEE

HELD ON: 10 MAY 2007

PROPERTY: 2/2, 333 PAISLEY ROAD WEST, GLASGOW

STATEMENT OF REASONS

INTRODUCTION

This is a reference to the Rent Assessment Committee for the determination of a fair rent under the Rent (Scotland) Act 1984 by the landlord, Scottish Prudential Investment Association Ltd in relation to property at 2/2, 333 Paisley Road West, Glasgow ("the dwellinghouse"). The tenant of the dwellinghouse is Mrs M McDonald. The original rent paid by the tenant was £2,200 per annum. The landlord applied for a rent of £3,000 per annum. The Rent Officer determined a rent of £2,640 per annum.

The tenant was present at the inspection but the landlord was not.

The landlord and the tenant intimated that they did not wish to attend a Hearing.

THE DOCUMENTATION

The Committee had the following documents before it: the RR1 Application, the landlord's objection, the Rent Register pages and written submissions from the landlord and the tenant. The Committee also had information about three comparable properties.

THE INSPECTION

Mr Iain MacLean, Clerk to the Rent Assessment Committee, introduced the tenant to the Committee.

The dwellinghouse

The tenant confirmed that she provided all the furniture in the dwellinghouse. She had also installed the fires in the living room and in the living kitchen. The tenant advised the Committee that the windows were watertight. When she asked the landlord to effect repairs, the landlord did so without any problems. The tenant also told the Committee that the occupiers within the block cleaned the communal stair and maintained the communal garden area.

DESCRIPTION OF THE DWELLINGHOUSES

The dwellinghouse is located at 2/2 333 Paisley Road West, Glasgow - a three storey block of tenement flats built around 1900, with commercial property on the ground floor and dwellings above. The walls are red sandstone and the roof is tiled. The dwellinghouse is located near shops, restaurants and public houses. Bus stops are located nearby. The Committee noted that a steel structure had been erected at the front of the block of tenements. This appeared to the Committee to have been erected to temporarily support the front wall. The Committee's views were confirmed by cracks on the walls and ceiling within the dwellinghouse.

The dwellinghouse is entered by a communal stair which was reasonably maintained. A security entrance system appeared to function properly.

The dwellinghouse had traditional timber sash windows with single glazing in all rooms apart from in the living kitchen which was modern pvc_double glazed windows. The traditional timber sash windows are in need of external painting and mastic repairs. The dwellinghouse benefits from gas central heating installed under the Scottish Executive grant scheme.

There is a communal garden area to the rear of the dwellinghouse.

No services are provided by the landlord.

The dwellinghouse comprises a living room, a bedroom, a living kitchen and a bathroom.

The front door opens to a hallway, off which is the living room, bedroom, living kitchen and bathroom.

The bathroom has a WC, wash hand basin and bath.

The living room has a bay window overlooking the front of the property. A cupboard/recess off the living room is used for storage.

The kitchen contains units, a sink and an electric cooker (provided by the tenant). There were sufficient electrical points.

The electrical system throughout the dwellinghouse is adequate.

DECISIONS AND REASONS

Section 48 of the Act provides that:

(1) In determining for the purposes of this part of the Act what rent is or would be a fair rent under a regulated tenancy of a dwellinghouse, it shall be the duty of the rent officer or, as the case may be, of the rent assessment committee, subject to the provisions of this section, to have regard to all 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 dwellinghouse in question and to its state of repair and, if any furniture is provided for use under the tenancy, to the quantity, quality and condition of the furniture.

(2) For the purposes of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwellinghouses in the locality on the terms (other than those relating to the rent) of the regulated tenancy is not substantially greater than the number of such dwellinghouses in the locality which are available for letting on such terms.

In terms of section 48 of the Rent (Scotland) Act 1984, the Committee is required to fix a rent that is or would be a fair rent under a regulated tenancy.

The Committee noted that no service charge was made and no services were provided by the landlord.

As indicated, the Committee had details of three registered rent decisions. These were at 0/1, 3 Langshot Street, Glasgow, 0/2, 540 Paisley Road West, Glasgow and 1/2 11 Percy Street, Glasgow. The

Committee noted that these properties were located in an area which was similar to the area in which the dwellinghouse was situated. However the Committee had little information about the condition of these properties or how the rents had been determined. Consequently the Committee concluded that these properties were of limited value in determining a rent for the dwellinghouse.

Neither party had provided the Committee with specific information or evidence about rents (either in the open market or under registered rents terms) which could be used by the Committee as comparables.

The Committee considered that to establish a fair rent it was appropriate to compare open market rents and thereafter review what might be an appropriate deduction for scarcity and to make any other appropriate deductions (if any). From its own experience, knowledge and from the information available on the internet and in local Estate Agents, the Committee was of the opinion that a fully furnished one bedroom apartment in a similar area of Glasgow would be available for rent of around £4,200 per annum ("the market rent").

The Committee was of the view that there was no scarcity in relation to properties similar to the dwellinghouse and in similar locations. This was confirmed by the numbers of properties available to let in publications such as The Property Guide and the GSPC Newsletter.

The Committee considered that a number of deductions should be made to take account of various factors.

Thus:

Market rent (per annum)	£4200
Less allowance - furniture*	£600
Less allowance - misc factors**	<u>£600</u>
	<u>£1200</u>
	<u>£3000</u>

* The Committee recognised that some prospective tenants would consider a flat with furniture (regardless of condition) more desirable than an unfurnished flat. Consequently the Committee considered it appropriate to take account of this factor.

** The Committee considered it appropriate to make a further deduction to take account of a number of other factors which included the fact that the dwellinghouse was single glazed (apart from the living kitchen) and the general condition of the dwellinghouse which had not been renovated for around 15 years. The Committee also noted that the dwellinghouse was situated on a busy main road with no front garden area. This contrasted with some of the previously referred to comparables which were located in side streets off the main road and which had small garden areas to the front.

Taking into account all the circumstances which the Committee is required to take into account, the Committee concluded that a fair rent for the dwellinghouse would be £3,000 per year.

..... R Handley Chairman

..... 25/may/2007 Date