



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G42/89	12 January 2011	Landlord

ADDRESS OF PREMISES

2/1, 206 Battlefield Road, Glasgow, G42 9HN

TENANT

Mr B Mitchell

NAME AND ADDRESS OF LANDLORD

Clydesdale Securities Co. Ltd.

AGENT

Ross & Liddell Ltd.
60 St Enoch Square
Glasgow
G1 4AW

DESCRIPTION OF PREMISES

Second floor traditional tenement flat circa 1900 with gas central heating comprising 3 rooms, scullery kitchen and bathroom.

Gross internal floor area = 66 square metres.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR
HOUSING PANEL MEMBER

Mrs J Taylor LLB Dip. LP NP
Mr G Campbell FRICS
Mr J Riach

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 3620.00 p.a.	16 March 2011	16 March 2011

J Taylor

Chairman of Private Rented Housing Committee

23/3/2011

Date



STATEMENT OF REASONS

in connection with

INSPECTION AND HEARING HELD ON 16th March 2011

In relation to the property

Flat ½, 200, Battlefield Road, Glasgow, G42 9HN

1. THE PARTIES

The Landlords are Clydesdale Securities Limited and they are represented by Ross & Liddell Limited, 60 St Enoch Square, Glasgow, G1 4AW.

The Tenant is Ms Edina Clayton. She has been a resident of the property for over 40 years. Her tenancy is a registered tenancy in terms of the Rent (Scotland) Act 1984.

2. BACKGROUND

The current rent is £3180 per annum. The landlords applied for the rent to be increased to £4700. The Rent Officer registered a rent of £3680 per annum with effect from 8th December 2010. The Landlords referred the determination to the Private Rented Housing Panel ('PRHP').

3. THE INSPECTION

The committee inspected the property, which is an unimproved first floor flat in a four storey, with basement, traditional blonde sandstone tenement, which dates from circa 1890.

The tenement has a tiled roof, a communal door entry system and had been refurbished and upgraded in the past.

The accommodation comprises lounge, double bedroom, living room, small scullery kitchen and internal bath room. The kitchen and bathroom fittings are dated. The windows throughout the property are single glazed.

There is gas central heating in the property which was installed with the benefit of a grant provided to the Tenant by the Scottish Executive in July 2010.

The rear walls of the property were rebuilt in the 1990's when structural works were being carried out. The property had not been redecorated after these works had been completed. Also in the bathroom there is an unused gas pipe attached to the bathroom wall, a shelf in the bathroom wall where the gas meter was removed and the fixings for the old high level cistern are still in place and had not been removed after the cistern had been removed.

The floor area of the property is approximately sixty six square meters.

There is a communal area at the rear of the tenement and the bin storage area is located here. The property is conveniently situated for public transport and local services.

No services are provided by the landlord.

4. THE HEARING

Mr Mitchell, the Tenant, and the Landlords' agents Ann McMaster and Sharon Conway (representatives from Ross and Liddell) attended the hearing.

Mr Mitchell advised the committee:-

- The rent increase sought by the Landlords was unreasonable, especially as his lease was a registered tenancy.
- In relation to the central heating he accepted that the Landlords would maintain the system and therefore it should be taken into account in the assessment of the rent.
- The windows are single glazed and whilst they are draughty they do keep the water out.

The Landlords' agents advised the Committee:-

- They would expect to achieve a rent of between £400 and £450 per calendar month if they were to lease the property in its current condition. However they advised that they have not viewed the property. If the property were to be upgraded they would expect to achieve a rental of £520 per calendar month.
- There is a comparable property being advertised by Martin & Co. They are asking for a rent of £535 per month. The property is described as a 2 bedroom property with a bright bathroom and fitted kitchen, electric shower, integrated appliances with central heating and double glazing throughout.
- The works required to upgrade the property are installation of a fitted kitchen, new bathroom, replacement flooring throughout, installation of double glazing, rewiring and decoration throughout. They estimated these works to cost approximately £10,000.

5. THE DECISION

The committee had the following documents before them:-

- A copy of form RR1, the Landlords' application for registration of the rent.
- Written representations from the Landlords' agents which state:- 'In the current market we would achieve £4667- £5000 in the present condition. Upgraded we would achieve £6240 (£520 per calendar month).
- List of comparable rents, provided by the clerk:-

Address	Accommodation	Description	Effective date	Registered Rent
2/1, 206 Battlefield Road, Glasgow, G42 9HN	3 rooms scullery kitchen and bathroom	Tenement flat pre 1919	8 th December 2010	£3620
2/2, 26 Battlefield Gardens, Glasgow, G42 9JP	3 rooms, living kitchen and bathroom, internal floor area 90 sq m	Tenement flat circa 1890	13 th May 2010	£4300
3/M, 29 Bolton Drive, Glasgow, G42 9DX	3 rooms scullery kitchen and bathroom Internal floor area 64 sqm	Tenement flat circa 1900	2 nd Feb 2011	£3850

The committee considered the submissions by the Tenant and the Landlords' agents at the hearing and the documents provided.

Separately the committee had obtained details of a number of other similar sized properties available to lease in the area, from news paper advertisements and the internet. The rents of these properties ranged from £445 to £580 per month.

These properties were two bedroom properties with kitchen and bathroom. They were provided with carpets and curtains and the properties at the higher end of the range were also furnished.

The committee considered this evidence and reflected that the property Flat 2/1, 206 Battlefield Road, Glasgow had a dark internal bathroom and small scullery kitchen. Therefore they decided that the market rent of properties comparable to Flat 2/1, 206 Battlefield Road, Glasgow was £450 per month (£5400 per annum). The committee acknowledged that an adjustment was required to reflect the fact that the property (Flat 2/1, 206 Battlefield Road, Glasgow) was unimproved with dated kitchen and

bathroom fittings; dated wiring; single glazed windows; unfurnished and no decoration or floor coverings were supplied by the Landlords. Also a deduction was required to account for the unused gas pipe on the bathroom wall, the shelf in the bathroom wall where the gas meter was removed and the fact that the fixings for the old high level cistern had not been removed. They considered that a deduction of £1780 per annum was reasonable to reflect these differences.

The committee also considered that the property Flat 2/1, 206 Battlefield Road, Glasgow was directly comparable with the said property 3/M, 29 Bolton Drive, Glasgow, G42 9DX. However it was noted that the base comparable rent of that property was £425 per month and that property had double glazed windows throughout but did not have central heating.

The committee were mindful of the terms of section 48(1) of The Rent (Scotland) Act 1984, which requires the committee 'to 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'. Also section 48(2) which requires them to 'assume that the number of persons seeking to become tenants of similar dwelling- houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling- houses which are available to let on such terms.'

The committee acknowledged that there is a plentiful supply of similar properties to rent in the area and therefore there is no scarcity of supply of such properties at this time.

After consideration of all these factors the committee decided that the fair rent for the property was £3620 per annum.

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 16th day of March Two thousand and eleven.

..... **J Taylor**

Chairperson, 22nd March 2011