



**PRIVATE RENTED HOUSING PANEL**

**HOUSING (SCOTLAND) ACT 1988 SECTION 34(1)**

**Register Of Rents Determined Under Statutory Assured Tenancies**

<b>REFERENCE NO.</b> RA/15/0101	<b>APPLICATION RECEIVED</b> 17 March 2015
<b>ADDRESS OF PREMISES</b> 6 Prince of Wales Gardens, Glasgow G20 0AS (referred to as "the Property")	
<b>TENANTS</b> Mr David and Mrs Christina Currie, residing at the Property	
<b>NAME AND ADDRESS OF LANDLORDS</b> Cromdale Investments Ltd, The Exchange, Building 4, Brent Cross Gardens, London, NW4 3RJ	<b>AGENTS</b> Speirs Gumley Property Management, 194 Bath Street, Glasgow G2 4LE
<b>RENTAL PERIOD</b>	<b>DATE TENANCY COMMENCED</b>
<b>DESCRIPTION OF PREMISES</b> Three roomed semi-detached bungalow style property, built circa 1920 with garden to front and rear; slate roof; harled render (which showed what appeared to be superficial cracking).  Floor Area: 63 square metres	
<b>SERVICES PROVIDED</b> None	
<b>COMMITTEE MEMBERS</b>	
<b>CHAIRMAN</b> <b>SURVEYOR MEMBER</b> <b>HOUSING MEMBER</b>	David Preston Geraldine Wooley Jim Riach
<b>PRESENT RENT</b>	<b>£400.00 p.c.m.(£4,800.00 p.a.)</b>
<b>RENT DETERMINED</b>	<b>£400.00p.c.m. (£4,800.00 p.a)</b>
<b>DATE CONSIDERED</b> 10 June 2015	<b>DATE DETERMINATION TAKES EFFECT</b> 1 June 2015

**D. Preston**

Chairman of Private Rented Housing Committee

Date

24 June 2015

## **Determination and Reasons**

### **PRIVATE RENTED HOUSING PANEL**

**HELD ON: 10 June 2015**

**PROPERTY: 6, Prince of Wales Gardens, Glasgow G20 0AS**

#### **Background**

1. This was a application by the Tenants to the Private Rented Housing Panel ("PRHP") under section 34(1) of the Housing (Scotland) Act 1988 ("the Act") in respect of the Property. The tenancy was a Statutory Assured Tenancy which commenced by succession in or about 1992.
2. On 5 November 2014 the Landlords, per their Agents, served notice on Form AT2 under section 24(1) of the Act to inform the Tenants that they wished to increase the rent from £400 per month (£4,800 per annum) to £460 per month (£5520 per annum) with effect from 1 June 2015. On 13 March 2015 the Tenants submitted an application on Form AT4 to the Private Rented Housing Committee for a determination of rent under section 24(3) of the Act.
3. The matter was referred to a Private Rented Housing Committee ("the Committee") and both parties were invited to make written representations and were notified that an inspection and hearing would take place on 10 June 2015. The Landlord's agents indicated in advance of the inspection and hearing that they did not intend to be present and on 10 April 2015 submitted written representations. The Tenants submitted an undated handwritten note with supplementary information.

#### **The Inspection:**

4. The Committee members introduced themselves at the inspection which took place on the morning of 10 June 2015. The Landlords were neither present nor represented at the inspection. Mrs Currie and her daughter, Mrs Horsham, were in attendance throughout the inspection and they were both in attendance at the hearing. Mrs Currie advised that her husband had been admitted to hospital and was unable to attend.
5. The Property is a semi detached bungalow style house built around 1920, with an approximate floor area of 63 square metres. Accommodation comprises: living room; kitchen; 2 bedrooms; and bathroom. Externally the harling showed signs of superficial cracking. The Property had a slated roof. There are areas of garden ground to the front and rear of the property. The Property is situated at the entrance to a quiet cul-de-sac of similar sized properties. There was a mixture of single storey and two storey properties, although the Committee was advised that all the properties had identical accommodation, whether in the flatted blocks or semi-detached. The two storey properties were flatted with each flat having its own main door entrance.
6. The location is in a quiet residential area with easy access to: local amenities; shops and supermarkets; transport links; public parks; and schools.
7. The kitchen was dated and in need of modernisation and upgrading. The Tenant reported that a neighbour had taken kitchen units out of their property a number of years previously and had given them to the Tenants which Mr Currie had fitted. The units were showing signs of age and wear.
8. The bathroom was dated and contained fittings which appeared to date back to from 1950s or 1960s and were in need of replacement. The Tenant reported that her husband had fitted a power shower over the bath, although the Landlords had recently supplied a new shower curtain rail and fixed the bathroom floor.
9. The Committee noted that the age of the electrics was consistent with the information contained in the handwritten note from the Tenants that they had not been upgraded for over 50 years. The Tenant reported that a recent inspection of the electrics had advised a

number of dangerous aspects which required immediate attention, although generally they were in an acceptable condition. The Committee noted that the Property was fitted with one battery operated smoke detector in the hall. There were no hard wired smoke or heat detectors. Although the Committee could make no findings in this regard, it strongly recommends to the Landlord that attention should be paid to the potentially dangerous condition of the electrics and the provision of adequate fire detection as a matter of urgency. The Committee noted that were an application to have been made by the Tenants under the repairing standards provisions of the Housing (Scotland) Act 2006, which it had been asked to determine, it may have been minded to make a repairing standard enforcement order to require attention to be given to these matters.

10. The Property was double glazed throughout, although the Tenant reported that it had been fitted 30 years ago and suffered from condensation within the sealed units which indicated to the Committee that the seals had failed.
11. The Property had gas fired central heating from a combi boiler situated in a cupboard in the kitchen. The Tenant reported that this had been fitted with the benefit of a Help the Aged assistance programme some 10-15 years ago and was faulty. It did not supply adequate hot water for the bath without adjustment to the heating controls.
12. The Property was in a relatively poor but acceptable decorative condition throughout. The Tenant reported that attempts to re-decorate had been made but the plasterwork tended to come away with wallpaper when being stripped. The tiles on the ceilings in the bathroom and hall, which were reported to be polystyrene, could not be removed for the same reason.
13. The Tenant reported that some slates on the roof had recently been fixed but that there was still dampness in the loft. She reported mushroom growth in the roof space. The Committee did not inspect the roof space as this was not a matter with which the Committee in its capacity dealing with the particular application for rent assessment could be concerned.

#### **The Hearing:**

14. The Hearing took place within the offices of the Private Rented Housing Panel at Europa Building, 450 Argyle Street, Glasgow. Mrs Currie and Mrs Horsham attended the hearing and provided oral evidence.
15. The Committee had the following documents before it:
  - a. Copy form AT2 dated 5 November 2014.
  - b. Copy form AT4 dated 13 March 2015.
  - c. Copy handwritten representations by the Tenant.
  - d. Copy written representations on behalf of the Landlord dated 10 April 2015..
16. Within its representations the Landlords' agents provided properties which they presented as comparibles at:
  - a. Dollar Terrace, Maryhill: traditional 3 bedrooms, living room, kitchen, bathroom situated on the top floor; rental £600 per calendar month; unfurnished.
  - b. Innellan Gardens, Kelvindale: modern 2 bedrooms, lounge, kitchen, bathroom; rental £595 per calendar month; unfurnished.
  - c. Lochburn Gardens, Maryhill 2 bedrooms, living room, kitchen, bathroom; situated on 3<sup>rd</sup> floor; rental £550; unfurnished.
  - d. Viewmount Drive, Maryhill 2 bedrooms, lounge, kitchen, bathroom; rental by £525 per calendar month; unfurnished.
17. The Committee noted that the ROCAS Rent Register contained entries for numbers 4 and 24 Prince of Wales Gardens which were stated by the Landlords to be owned by them. In addition the Committee noted that the properties at 41 and 43 Crosbie Street, were also contained on the register which noted that they were also owned by the Landlords. The rent registered in respect of 4 and 24 Prince of Wales Gardens and 43 Crosbie Street on 30 April 2012 was £4,176 per annum, and in respect of 41 Crosbie Street was £4500 per

annum as at the same date. Although the properties at 41 and 43 Crosbie Street were flatted, the Committee was advised by the Tenants that the accommodation within the flatted properties was identical to that contained in the Property.

18. The Committee found properties on the market at Curzon Street and Fingal Street and considered that they were of closer comparable age and style to the Property than the comparables suggested by the Landlords' agents. The Committee noted that the Landlords had not provided the immediately neighbouring properties belonging to them at Prince of Wales Gardens or Crosbie Street as comparables.
19. Mrs Currie advised that the current rent in respect of the Property had been accepted and agreed by her at £4800 per annum in 2012, notwithstanding the levels of rent in respect of the neighbouring properties which had been assessed at that time.

### **Decision and Reasons**

20. The Committee considered all the documents before it as well as the representations from the parties and had regard to the rental information obtained by it and used its knowledge and experience in determining a market rent.
21. In terms of the Act the Committee is required to determine the rent which, subject to certain assumptions specified in the Act, it considered that the property might reasonably be expected to achieve if it was let on the open market by a willing landlord under an assured tenancy. There is no single preferred method of fixing such a rent and the Committee must determine the best method to fix the market rent, based on the evidence before it.
22. The Committee considered the comparable properties referred to by the Landlords as specified in paragraph 16 above. It rejected all the properties offered by the Landlords as comparables for the following reasons: –
  - a. Dollar Terrace: the Committee viewed this property from the outside. While situated in close proximity to the Property the Committee noted that this was a top floor flat in a traditional tenement property. Mrs Horsham advised that the rooms were considerably bigger and the flat was more spacious all round.
  - b. Innellan Gardens: the Committee viewed this property from the outside. This was some considerable distance from the Property and was in an entirely different area within a modern development of mixed flats and houses.
  - c. Lochburn Gardens and View Mount Drive: the Committee viewed these properties on Google street view and considered that they were both of an entirely different nature and age to the Property.
23. The Committee was only able to find 2 properties, at Curzon Street and Fingal Street, which it considered were of any comparable age and style to the Property. The property at Curzon Street was a fully furnished ground floor flatted property on the market at a rent of £480 per month and the property at Fingal Street was an unfurnished upper cottage flat on the market at a rent of £525 per month. However these properties appeared from the information available to be fully modernised with up to date electrics and fittings. Neither of them was directly comparable to the Property but the Committee considered that they were both closer in age and style to the Property than those offered by the Landlords' agent.
24. The Committee also had regard to the register of rents in respect of the neighbouring properties at 4 and 24 Prince of Wales Gardens and 41 and 43 Crosbie Street. It took into account the date on which these rents had been registered and applied a factor to take account of that. It also assumed that these properties were in a similar condition to the Property.
25. The Committee took into account all of these factors and, having applied its skill and experience, determined that in all the circumstances a full market rent which the Landlord

might reasonably be expected to obtain under an assured tenancy of the Property in a fully modernised condition with up to date electrics and properly decorated might be in the region of £525 per month (£6300 per annum).

26. However in view of the internal condition of the Property and its fittings the Committee considered that the market rent would require to be subject to a deduction to take account of: the fact that the Property was unfurnished with no floorcoverings provided; the decorative order was poor; the double glazing was faulty; the kitchen and bathroom fittings were inadequate; and the condition of the electrics was unsatisfactory. The Committee determined that a deduction of £125 per month (£1500 per annum) would be appropriate.
27. The Landlord's agents suggested a deduction of £60 per month (£720 per annum) to take account of these matters, which the Committee considered wholly inadequate.
28. Having taken account of all these factors the Committee considered that the market rent of the Property in its present condition should be £400 per month (£4800 per annum) effective from 1 June 2015 being the date specified by the Landlord on form AT2..

### **Appeal**

29. **There is no appeal on the facts decided by the Committee. However the determination may be challenged in the Court of Session on a point of law or an application may be made for a judicial review of the proceedings.**

**D. Preston**

Chairman

24-6-15 Date