



PRIVATE RENTED HOUSING PANEL

Housing (Scotland) Act 1988

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

PRHP/RA/15/0073

APPLICATION RECEIVED

23 February 2015

ADDRESS OF PREMISES

Flat G1, 6 Circus Drive, Denniston, Glasgow, G31 2JH

TENANT

Miss Jean Proctor

NAME AND ADDRESS OF LANDLORD

Mr Angus MacLean
c/o Hacking and Paterson, 1 Newton Terrace,
Glasgow, G3 7PL

AGENT

RENTAL PERIOD

Quarterly

DATE TENANCY COMMENCED

n/a

DESCRIPTION OF PREMISES

Ground floor flat in 3 storey traditional tenement (1890s) comprising living room, bedroom dining kitchen and bathroom. Gross internal floor area 66 sq.m.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRPERSON

Anne McCamley

SURVEYOR MEMBER

Carol Jones

HOUSING MEMBER

Christopher Harvey

PRESENT RENT

£3,250.00

PROPOSED RENT

£3,650.00

DETERMINED RENT

£3,520.00

DATE OF DECISION

9 April 2015

EFFECTIVE DATE

9th April 2015

A. McCamley

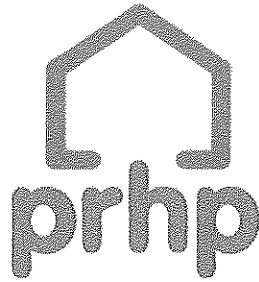
Chairperson of Private Rented Housing Committee

9th April 2015

Date



STATEMENT OF REASONS
PRIVATE RENTED HOUSING COMMITTEE
9TH APRIL 2015
FLAT G1, 6 CIRCUS DRIVE, DENNISTON,
GLASGOW.



INTRODUCTION:-

This is an application to a Private Rented Housing Committee under the provisions of section 25 (1) of the Housing (Scotland) Act 1988 in relation to an Assured Tenancy, following upon service of a notice of increase in rent (Form A2) dated 22nd December 2014. The landlord is Mr. Angus MacLean per his agents Hacking and Paterson, Property Factors, Glasgow and the tenant is Miss Jean Proctor of flat G/1, 6 Circus Drive, Glasgow. The rent payable by the tenant had been £3250 per annum, (£270.83 per month) and in terms of the foresaid notice the landlord proposed to charge a rent of £3650 per annum (£304.17 per month) with effect from 28th March 2015. The rent is payable quarterly in advance.

THE COMMITTEE:-

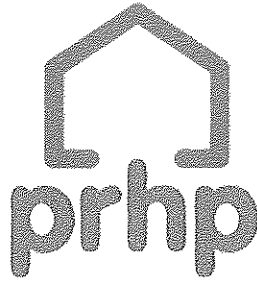
The Private Rented Housing Committee comprised Mrs. Anne McCamley, Chairman, Ms. Carol Jones, Surveyor and Mr. Christopher Harvey, Housing Member. The Committee inspected the property on the morning of 9th April 2015. The landlord was neither present nor represented at the inspection. The Committee was shown round the property by Miss Proctor, the tenant.



THE INSPECTION:-

The property comprises a ground floor flat at 6 Circus Drive Dennistoun Glasgow. It is within a three storey traditional sandstone tenement building built in the 1890s. There is evidence of subsidence both externally and internally, however any movement appears to be historic. There is a front garden for the exclusive use of the tenant along with a shared back green. Otherwise, the property is situated in a residential section of the Dennistoun area of the city. While Dennistoun has a vibrant heart with a good shopping area, excellent transport links and other civic amenities, this property is situated some distance from these services and we believe it is about a 20 minute walk to a bus stop. There is one shop 'local' to the property. There is a derelict school immediately opposite the property. This building is in a poor state, with broken windows and a surrounding security fence.

Internally, the property comprises two rooms, kitchen and bathroom. The sitting room is a good sized room with bay window onto the street, the original features are retained along with the bed recess. The bedroom is described by the tenant as a three quarter bedroom but it has space for a double bed and other bedroom furniture. The kitchen, which is large enough to be described as an 'eating kitchen' or kitchen/dining room, also retains a bed recess. The old black kitchen



range is in situ although not functioning. There is a free standing cooker and a functional kitchen sink. A fridge freezer is situated in the hall. The bathroom has a bath, wc and washbasin. These units are functional although not of a modern standard. There is no shower. The landlord has installed uPVC double glazing. The tenant advised the electrics have passed a recent inspection.

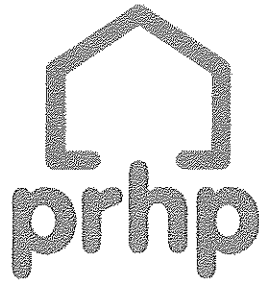
The tenant has lived in the flat for over 90 years. The landlord acknowledges that the property remains largely unmodernised or improved. The tenant did not want central heating installed although she has consented to the installation of a water immersion heater. Double glazing has been installed over the course of the past 3 years. As a result of movement in the building plaster cracks in the walls are evident throughout. These cracks have been evident to Housing Committees, and commented on by those Committees, since 2007, but have not been rectified.

THE DOCUMENTATION:-

The Committee considered the whole documentation provided for the Committee administration. This comprised:-

Form AT4

Lease



Form AT2

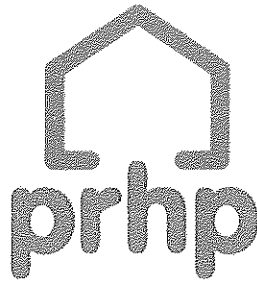
Landlord written representations

Tenant representations x 2

THE HEARING:-

This matter had been set down for a hearing immediately after the inspection. The hearing was to have been held in Europa House, Argyle Street, Glasgow. In his written representations the landlord had indicated he did not wish to attend a hearing. By courtesy of the tenant, and for the convenience of all parties, the hearing was 'relocated' and took place in the tenant's sitting room.

The tenant explained she had been burgled, and threatened with violence by the intruder, 18 months previously. She felt she had not received appropriate support from Hacking and Paterson's office during this emergency. The landlord has not repaired the cracks in the walls and ceilings which have been there for many years, nor has he removed the black range in the kitchen or repaired woodwork around the kitchen sink. The flat is difficult to heat (the tenant uses electric fires) and wind blows down the chimney behind the old range. Miss Proctor explained



she washed the common stair and attended to the garden but these tasks were becoming increasingly difficult with advancing years.

As regards rental values for other properties in the area Miss Proctor had enclosed a clipping from a newspaper indicating the rents charged by Housing Associations in the area. She felt her rent was high in comparison to those. She was not aware of rents achieved in other privately owned and rented properties. She believed her flat was smaller than some others as she had a three quarter bedroom not a full double.

The landlord did not attend the hearing but we had the benefit of his letter containing his representation dated 17th March 2015.

THE DECISION:-

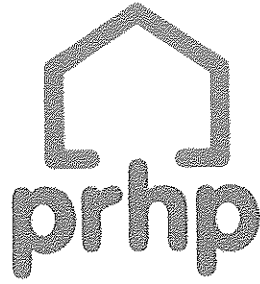
In terms of section 25(1) of the Housing (Scotland) Act 1988 the Committee is required to have regard to the rent at which the property might reasonably be expected to be let in the open market by a willing landlord under an Assured Tenancy.

In order to comply with this duty the Committee determined to research recent rents achieved in the area for two room and kitchen type flats and thereafter to discount the rent to reflect the costs of the required modernization.



The Committee noted the rents charged by the local Housing Associations however did not find such information to be persuasive. Housing Associations rents are not generally indicative of open market rents, being either funded or part funded by public authorities and having a charitable status.

We researched the rental market through newspaper advertisements, the internet, local letting agents and considering the figures provided by Citylets. Having considered this information and using our own knowledge and experience the Committee concluded that an open market rent for a fully modernised two room and kitchen flat in this location would be in the region of £350 - £475 per month. We noted the flats renting at the lower end of this range did not appear to benefit from a large eating kitchen which could be described as a kitchen/dining room and some were in less desirable locations. Those properties renting out above £420 appeared to be in the heart of Dennistoun, closer to Alexandra Parade and the associated shops and amenities. Our enquiries with Citylets revealed that an average rent for a two room and kitchen in Dennistoun is currently £416 per month. We believe this property would be capable of achieving only the rather lower end of the market rent because of its situation away from shops etc and the outlook onto a derelict school. We also noted ground floor flats achieve slightly lower rents than upper flats.



Having considered all the evidence above we determined an open market rent for this flat would be £4920 per annum (£410 per month). However, to achieve this level of rental income the flat would require to be brought up to a much higher standard than that at which it is currently let. To bring the property up to standard the committee felt it would be necessary to replace the kitchen and bathroom, install central heating, replace floorcoverings and carry out replastering / redecorating work throughout. We estimated an annual deduction of £1400 in the rent would be justified to cover the costs of these works.

The Committee therefore determined the property would achieve an open market rent of £3520 per annum (293.33 per month), being the open market rental value for a fully upgraded flat under deduction of the upgrading work required, thereby reflecting the difference in the rental income achievable between those properties currently on the market and Miss Proctor's flat.

The committee determined the increase in rent should take effect from the date of the hearing being 9th April 2015 as we were satisfied that to do otherwise would cause undue hardship to the tenant .

A. McCamley

Chairman
Private Rented Housing Committee
9th April 2015