



Statement of decision of the Private Rented Housing Committee under Section 34 of the Housing (Scotland) Act 1988

prhp Ref: PRHP/RS/16/0147

Re : Property at 18 Clyde Place,Dundee,DD24EQ ("the Property")

The Parties:-

**Mr Rachel Slow formerly of 18 Clyde Place,Dundee ("the Former Tenant")
George Walter Gow, 20 Harestane Road ,Dundee, DD39EL ("the Landlord")**

Introduction

This is an application by the Former Tenant for a determination of the rent payable under Section 34 of the Housing (Scotland) Act 1988. The Tenancy is a Short Assured Tenancy. The Tenant applied to the Committee for a determination of rent on the prescribed form AT4 dated 11 April 2016. The Committee had before it the following documents:

- (1) Tenancy Agreement between the Former Tenant and the Landlord dated 8 August 2015.
- (2) Form AT4.
- (3) Written representations and e mails from the Landlord and the Former Tenant.
- (4) Inventory Report and Photographs.

Inspection of the Property

The Private Rented Housing Committee (comprising Mrs Judith Lea, Chairman and legal member and Robert Buchan, Surveyor member) inspected the property on 19th July 2016. The Landlord ,Mr Gow was present at the inspection. The Former Tenant had moved out prior to the inspection and the new tenant gave the Committee access. The Committee noted that the property is a 2 storey end terraced house built circa 1970, comprising living room, kitchen, bathroom and two bedrooms.. The property has a small patio at the back and there is also a large area of garden ground to the side and rear of the house which belongs to the property. The property is fully furnished and in modernised condition and good state of decoration. The property has double glazing and gas central heating. The property has a good outlook with views from the upstairs bedroom window and is situated close to Ninewells Hospital. Off street parking is available. The property has smoke alarms and heat detectors fitted. Photographs of the Property are shown in the attached Schedule.

Hearing

The Landlord Mr George Gow, attended the hearing with his wife Carol Gow. The Former Tenant did not attend. The landlord explained the problems that he had had with the tenancy. The landlord confirmed that the windows in the property had been recently replaced. The landlord also confirmed that the new tenants in the property were paying a rent of £660 per month and that they had contacted the landlord to ask if they could move into the property. The landlord also confirmed that there had been no difficulty or delay in renting the property to the Former Tenant last year at the rent of £660 per month. The landlord also advised that he had another property in the same street that was currently being upgraded and someone had already expressed an interest in moving in at a rent of £660 pounds per month. The landlord confirmed that the area was very popular due to its proximity to Ninewells Hospital and that they had never had any difficulty renting the property at the rent being charged.

Decision

The Committee took account of the documentation lodged by the Former Tenant and by the Landlord and the oral submissions made at the hearing by the landlord. The Committee were impressed by the apparent open-ness and honesty of the Landlord and were happy to accept his evidence. The Committee noted that the former tenant had stated that another property in the same street was being rented for £450 per month and a property in Dochart Terrace was being rented at £495 pounds per month. No detail, however in respect of these two properties was available. The Committee from its own knowledge and experience considered that properties in this locality of similar size were being rented for between £500 and £600 per month. The Committee had to decide in terms of section 34(3) whether the rent payable in respect of this short assured tenancy is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy. Given the notably attractive location of this particular property and the size of the ground pertaining thereto, when taken together with fact that the landlord has clearly managed to rent the property to different tenants at this rental level within the last year, the committee cannot find that £660 pounds per month is significantly higher than the rent that a landlord might reasonably be expected to obtain for this property. The Committee accordingly made a non-determination.

In this case the new tenants were not a party to the proceedings. Given the non-determination the current arrangement between the landlord and the new tenants will not be affected by this decision.

J Lea

Signed
Chairperson

Date.....

21/7/16

Schedule of photographs taken during the inspection of
18 Clyde Place, Dundee, DD2 4EQ
by Robert Buchan, FRICS, surveyor member of the
Private Rented Housing Committee on the 19th July 2016



Front



Rear

Schedule of photographs taken during the inspection of
18 Clyde Place, Dundee, DD2 4EQ
by Robert Buchan, FRICS, surveyor member of the
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Kitchen



Bathroom