



STATEMENT OF REASONS

**in connection with an application for a determination of rent
under section 34(1) of the Housing (Scotland) Act 1988**

in relation to the property

Addiewell, Glasgow Road, Sanquhar, Dumfriesshire, DG4 6BZ ('The Property')

Case Ref No:PRHP/RS/16/0229

1. THE PARTIES

The Landlord is Michael John Monk and Susan Anne Monk residing at 174 Liverpool Road, Hutton, Preston, PR4 5SL represented by Ober Estates, Knockburnie Farm, Dalleagles, New Cumnock, KA18 4QP ('The Landlord'). The Landlord is represented by Mr R Laurie, Ober Estates Limited, Knockburnie Farm, Dalleagles, New Cumnock, KA18 4QP. The Tenants are Ms LF Hurle and Frances Hurle residing at Addiewell, Glasgow Road, Sanquhar, Dumfriesshire, DG4 6BZ ('The Tenants').

2. THE COMMITTEE

The Committee members are Jacqui Taylor (Chairperson) and Mike Links (Surveyor Member).

3. BACK GROUND

The parties had entered into a Short Assured Tenancy agreement in 2015. Ms LF Hurle had provided the Committee with a copy of lease, but the date of the lease was not detailed on the copy. Clause 1 of the lease stated that the lease commenced on 8th May 2015 and was for the initial period of six months and continued thereafter on a month to month basis until terminated. The AT5 Acknowledgement dated 15th April 2015 confirmed that Frances Hurle had received Form AT5 before the commencement of the lease. Clause 2 of the lease stated that the rent was £650 per calendar month.

4. THE INSPECTION

The parties had been advised that the Committee would attend at the Property at 10am on 8th September 2016. Ms LF Hurle had telephoned the PRHP administration at 9am on 8th September 2016 advising that she had an emergency and would not be able to provide access to the Committee at 10am. Accordingly when the Committee attended at the Property for the scheduled inspection no internal access was provided. However the Committee were able to inspect the Property externally. The Property is a detached modern two storey property with double glazed windows throughout.

The AT4 application completed by Ms LF Hurle stated that the accommodation comprises living room, kitchen/ diner, three bedrooms, bathroom, toilet/shower room and utility room.

5. THE HEARING

Following the external inspection of the Property the Private Rented Housing Committee attended at Sanquhar Town Hall, Church Road, Sanquhar, DG4 6DF for the scheduled hearing. The parties did not attend and were not represented.

6. THE DECISION

The Committee had the following documents before them:-

- A copy of form AT4, completed by Ms LF Hurle.
- A copy of the unsigned lease agreement.
- Ms LF Hurle's written representations which stated *inter alia* that the market rent of other 3 bedroom houses in Sanquhar is considerably less than £650 per month. She advised that the rent of the property immediately opposite is let privately for £400 per month and another three bedroom house was advertised for £475 recently. She also advised that there were longstanding issues with repairs required to the Property.

Ms L F Hurle did not provide the Committee with any evidence to support the rents referred to in her written representations and she had not provided details of the leases. In particular she did not provide details of the type of tenancies, the length and terms of the leases and whether they were furnished or unfurnished. Accordingly the Committee determined that they were unable to consider the details of the rents referred to by Ms LF Hurle.

The Landlord had not provided the Committee with evidence of other assured or short assured tenancies in the locality.

The Committee found details of similar properties available to let in Lockerbie, Earlstoun, Gretna, Ecclefechan and Creetown but did not find details of any similar properties available to lease in Sanquhar. The Committee ascertained the distances of the said locations from the Property. The distances are: Lockerbie (39 miles), Earlstoun (75 miles), Gretna (50 miles), Ecclefechan (56 miles) and Creetown (66 miles).

In terms of Section 34(1) Housing (Scotland) Act 1988 the Committee shall not make such a determination as is referred to in that subsection unless they consider:-

'(a) that there is a sufficient number of similar houses in the locality let on assured tenancies (whether short assured tenancies or not); and (b) that the rent payable under the short assured tenancy in question is significantly higher than the rent which the landlord might reasonably be expected to be able to obtain under the tenancy, having regard to the level of rents payable under the tenancies referred to in paragraph (a) above.'

The Committee determined that the locations of Lockerbie, Earlston, Gretna, Ecclefechan and Creetown were too far away from Sanquhar to be located within the locality of the Property, as required by section 34(1) of the Act and consequently they were unable to make a determination of the Tenant's application as they were unable to comply with the preliminary condition in the terms of section 34(3(a) of the Housing (Scotland) Act 1988, as stated.

In reaching this decision the committee have had regard to all the considerations required to be taken into account in terms of Section 34 of the Housing (Scotland) Act 1988.

Jacqueline Taylor

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Chairperson, 11th September 2016