



**PRIVATE RENTED HOUSING PANEL**

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

**Non-determination for Short Assured Tenancy**

**REFERENCE NO.**

RAC/KY16/S67

**APPLICATION RECEIVED**

11 June 2012

**ADDRESS OF PREMISES**

69 Scooniehill Road, St Andrews, Fife, KY16 8HZ

**TENANT**

Mr M Skold

**NAME AND ADDRESS OF LANDLORD**

Mr and Mrs P Stewart  
1 The Old Drill Hall  
South Street  
Falkland, Fife

**AGENT**

**RENTAL PERIOD**

1 year

**DATE TENANCY COMMENCED**

30 September 2011

**DESCRIPTION OF PREMISES**

Two storey terraced house, built around 1970 comprising lounge/dining room, kitchen, two bedrooms, box room, bathroom, double glazing and gas central heating.

**SERVICES PROVIDED**

None

**COMMITTEE MEMBERS**

**CHAIRMAN**

J Lea LLB MBA MSc

**PROFFSSIONAL MEMBER**

D Godfrey ARICS

**LAYMEMBER**

J Wolstencroft

**PRESENT RENT**

**£750.00 per month**

The Private Rented Housing Committee did not make a determination when they considered the matter on 10 August 2012

**Remarks**

J Lea

Chairman of Private Rented Housing Committee

15/8/12

Date



## Statement of decision of the Private Rented Housing Committee under Section 34 (1) of the Housing (Scotland) Act 1988

prhp Ref: RAC/KY16/S67

Re : Property at 69 Scooniehill Road, St Andrews, Fife, KY16 8HZ ("the Property")

10 August 2012

### Introduction

This is an application by the Tenant for a determination of the rent payable under Section 34(1) of the Housing (Scotland) Act 1988. The Tenant is Mr M Skold. The Landlords are Peter Stewart and Kelly Stewart, 1 The Old Drill Hall, South Street, Falkland, Fife. The Tenancy is a Short Assured Tenancy. The Tenant applied to the Committee for a determination of rent on the prescribed form AT4 dated 1 June 2012. The Committee had before it the following documents:

- (1) Tenancy Agreement between Mr M Skold and Mr P Stewart dated 3 October 2011.
- (2) Form AT4.
- (3) Notice to Quit issued by the Landlords.
- (4) Addendum regarding improvements carried out by Martin Skold, the Tenant.
- (5) List of Furnishings, Fixtures and Appliances prepared by the Tenant.

### Inspection of the Property

The Tenant was present. The Landlords did not attend.

This is a two storey terraced house built around 1970. The accommodation comprises entrance hall, living room/dining room, two bedrooms, box room, kitchen and bathroom. The property has a front and rear garden. The property has gas central heating and double glazing. The bathroom and kitchen have fitted units. The bathroom has a shower rather than a bath. Most of the furniture in the property has been supplied by the Landlords. The dishwasher in the property is not currently working. There are a number of minor repairs that require to be carried out by the Landlords. The property is situated in a residential area of St Andrews. There are local amenities nearby.

## Hearing

After the inspection the Committee held a hearing at Cosmos Community Centre, Abbey Walk, St Andrews. The Tenant was present but the Landlords did not attend. It was confirmed that the tenancy was a Short Assured Tenancy. The Tenant confirmed that he was paying a rent of £750 per month. The Tenant stated that he was moving to a property at 48 Lawmill Gardens, St Andrews which had three bedrooms and had a rent of £775 per month. The property he was moving to was newly repainted and in good condition with no repair issues. The Tenant submitted that the property at Scooniehill Road was not in a good state of repair and was smaller than the property he was moving in to. The Tenant advised that he looked at a number of other properties when he decided to move and saw some two and three bedroom properties for a similar rent which were in a better condition than the property he was currently in. The Tenant confirmed that the quality of the property was the major factor. The Tenant indicated that he thought what he was paying for this property was substantially more than some other two and three bedroom properties which were available.

## Decision

In terms of Section 34(3)(a) of the Housing (Scotland) Act 1988, the Committee requires to be satisfied that there are a sufficient number of similar houses in the locality let on Assured Tenancies and that the rent payable under the Short Assured Tenancy being considered is significantly higher than the rent which the Landlord might reasonable be expected to be able to obtain under the tenancy having regard to the level of rents payable under other tenancies in the locality. The Tenant was only able to provide the Committee with precise details of one other property in the locality being the one that he is moving in to. The property in Lawmill Gardens is a Wimpey property and is likely to have smaller rooms than the property under consideration. The property under consideration has two bedrooms but also has a box room and the rooms are a good size. The Committee considered that the property under consideration was in a reasonable state of repair and only required very minor repairs.

The Committee from its own knowledge and experience is aware of a number of properties in the locality being let for a similar rent to the rent presently payable for the property under consideration. For example, a property at 8 Park Street, St Andrews which is a two bedroom cottage with a rent of £760 per month, a property in Lamberton Place, St Andrews which is a three bedroom semi detached property with a rent of £850 per month and a property at 55 Watson Avenue, St Andrews being a two bedroom property with a rent of £695 per month.

To be significant the rents for other proprieties would require to be at least 10% less than the rent for this property. The Committee was accordingly unable to find that the rent payable under this Short Assured Tenancy is significantly higher than the rent payable for other similar

properties in the locality. The Committee accordingly had no choice but to make a Non Determination in this case.

Signed ..... **J Lea** ..... Date: 17 August 2012  
Chairperson