



PRIVATE RENTED HOUSING PANEL

Housing (Scotland) Act 1988

Non-determination for Short Assured Tenancy

REFERENCE NO.

PRHP/RS/15/0344

APPLICATION RECEIVED

17 December 2015

ADDRESS OF PREMISES

4/4 Moat Drive, Edinburgh, EH14 1NR

TENANT

Mr Zbigniew Michael Zysk

NAME AND ADDRESS OF LANDLORD

Ms Julianne Gillan
31 Kaimes Grove, Edinburgh, EH27 8AY

AGENT

Mr Christopher Gillan

RENTAL PERIOD

Monthly

DATE TENANCY COMMENCED

1st November 2013

DESCRIPTION OF PREMISES

A first floor former Local Authority flatted dwelling-house with two bedrooms, a living room, kitchen and bathroom, in a traditionally constructed 3 storey block with a slate roof. Access to the property is gained through a common passage and stair.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRPERSON
SURVEYOR MEMBER
HOUSING MEMBER

Paul Doyle
Carol Jones

PRESENT RENT

£7,920.00

The Private Rented Housing Committee did not make a determination when they considered the matter on 31st March 2016.

Remarks

Chairperson of Private Rented Housing Committee

19/4/2016

Date



HOUSING (SCOTLAND)ACT 1988

DETERMINATION & STATEMENT OF REASONS of a PRIVATE RENTED HOUSING COMMITTEE

INSPECTION AND HEARING HELD ON 31 MARCH 2016

CASE REFERENCE: PRHP/RS/15/0344

PROPERTY: 4/4 Moat Drive, Edinburgh EH14 1NR

TENANT: Mr Zbigniew Michael Zysk, residing at 4/4 Moat Drive, Edinburgh EH14 1NR

LANDLORD: Ms Julianne Gillan, residing at 31 Kaimes Grove, Edinburgh EH27 8 AY

1. This is an application to a private rented housing committee under the provisions of section 34 of the Housing (Scotland) Act 1988 ("the act") in relation to a short assured tenancy following service of a notice of increase in rent . The rent payable by the tenant had been £600 per month. The landlord increased the rental to £660 per month with effect from 1 November 2015. The tenant lodged form AT4 requiring a private rented housing committee to determine the rent payable under the tenancy.

2. On 31st March 2016 the committee, made up of Paul Doyle (chairman) and Carol Jones (surveyor member), inspected the property. The tenant was present and was represented by Mr F Kavanagh. The landlord was not present but she was represented by her brother Mr C Gillan, who was accompanied by his father Mr G Gillan.

3. The property is a first floor former Local Authority flatted dwelling-house with two bedrooms, a living room, kitchen and bathroom. It is situated in a traditionally constructed 3 storey block with a slate roof and is located in the Slateford district of Edinburgh, around 2 - 3 miles south-west of the city centre. Access to the property is gained through a common passage and stair. The front door opens onto a central hallway which provides access to each of the rooms. The property benefits from gas central heating and from double glazing. The tenancy includes a section of garden ground to the rear of the property. The property is furnished by the landlord. The tenant has erected some shelving in one of the bedrooms and the hall cupboard and he has also provided a set of blinds in the front bedroom. The property is structurally sound. The interior of the property is in reasonable condition, but will soon benefit from redecoration & a general maintenance overhaul.

4. After the inspection a hearing took place at George House, George Street Edinburgh, the tenant was not able to come to the hearing, but was represented by Mr Kavanagh. The landlord's brother represented the landlord's interest at the hearing.

5. Mr Kavanagh, for the tenant, explained that he had looked for comparative rental prices in different areas ranging from South Queensferry, to Newhaven, to Gilmerton, & to Musselburgh. The main thrust of his argument is that £660 is £30 above the local Housing allowance rates set by the Valuation Office Agency. He argued that the local housing allowance rate is set for people who might require housing benefit, and that if the tenant were to lose his employment he would find himself in that category, so that, if this tenant's circumstances change, he would no longer be able to afford the increased rental.

6. Mr Gillan for the landlord argued that the proposed rent of £660 is entirely reasonable and in line with market conditions & demand for similar property in the area. He produced figures from "city lets", and argued that £660 is below the market rental.

7. Committee members told parties' agents that they were aware that similar properties in the area had been let recently at rentals in the region of £650 to £700 per calendar month. Mr Kavanagh told committee members that he rested on the submissions that he had already made.

8. The Committee's powers and duties are set out in s.34(3) of the 1988 Act, which requires that where an application is made to a Committee under s.34(1) with respect to the rent under a short assured tenancy, the Committee shall not make a determination 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 obtain under the tenancy having regard to the level of rents payable under the tenancies referred to in paragraph (a) above

9. The committee take account of all relevant information presented at the hearing and the documentary evidence presented to the committee. The personal circumstances of the parties are not relevant to this decision.

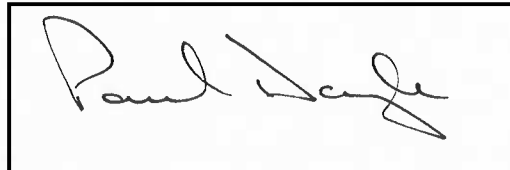
10. The committee did not find particularly helpful details of the properties spoken to by Mr Kavanagh. Those properties are in different areas & reflect the rental values of properties many miles away from this property, some of them in different towns to this property.

11. The weight of reliable evidence indicates that the typical range of rental values for similar properties in the same area as this property is between £650 per calendar month and £700 per calendar month. Committee members were able to see at the inspection that neither in the street that this property occupies, nor in the surrounding

streets, were there any "to let" boards. Committee members are aware that, one month before the inspection, a comparable property in Hutchison Road, Edinburgh, was let for £675 per calendar month. Committee members are also aware that the property at 12/5 Moat Drive, Edinburgh (a two bedroomed, second floor furnished flat) was let for £695 per calendar month in March 2016.

12. On the basis of the Committee's own knowledge and their own recent research, and taking full account of the condition of the property, Committee members conclude that a rent of £660 per month is a rent which a landlord might reasonably expect for this property. Rentals for similar properties in the area are similar to and higher than £660 per month.

13. Mindful of the provisions of s.34 of the 1988 Act, the Committee makes no determination of rent for this property.

A rectangular box containing a handwritten signature in cursive script that reads "Paul Sage".

19/4/2016