



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO. RAC/G52/A57	APPLICATION RECEIVED 19 March 2009
ADDRESS OF PREMISES 52 Innerwick Drive, Hillington, Glasgow, G52 2HG	
TENANT Mr B Jack	
NAME AND ADDRESS OF LANDLORD Gauld Properties 22 Milnpark Street Glasgow G41 1BB	AGENT
RENTAL PERIOD Monthly	DATE TENANCY COMMENCED September 2004
DESCRIPTION OF PREMISES Upper cottage flat within 2 storey block of four flats C.1930 with gas central heating and partial double glazing comprising 4 rooms, kitchenette and bathroom with relative garden ground	
SERVICES PROVIDED None	
COMMITTEE MEMBERS	
CHAIRMAN PROFESSIONAL MEMBER LAYMEMBER	A Devanny LLB NP G Campbell FRICS S Brown
PRESENT RENT	£ 5,200
RENT DETERMINED	£ 5,040
DATE CONSIDERED 20 May 2009	DATE DETERMINATION TAKES EFFECT 8 October 2009

A Devanny

Chairman of Private Rented Housing Committee

Date

20th May 2009



PRIVATE RENTED HOUSING COMMITTEE

STATEMENT OF REASONS

In connection with

Inspection held on Wednesday 20 May 2009

Of the property

52 Innerwick Drive, Hillington, Glasgow G52 2HY
(hereinafter referred to as "the property")

REFERENCE No. RAC/G52/A57

INTRODUCTION

This is a reference by Mr. Benjamin Jack (the "tenant") following a Notice in form AT2 served on the tenant by his landlord seeking to increase the rent payable for the property at 52 Innerwick Drive, Hillington, Glasgow from £433.34 per calendar month to £475.00 per calendar month effective from 7 October 2009. The landlord is Gauld Properties Limited, 22 Milnpark Street, Glasgow. The tenant became a statutory assured tenant of the property following the death of his father in 2004. Neither the landlord nor the tenant have been able to produce a copy of the lease agreement. The reference by the tenant to the Private Rented Housing Panel is by way of application on form AT4 dated 19 March 2009 for a determination of rent under Section 24(3) of the Housing (Scotland) Act 1988.

INSPECTION

The Committee inspected the property on the morning of 20 May 2009. The tenant was present throughout the inspection. No representative of the landlord attended.

The property is an upper traditional cottage flat within a two storey block of four flats built around 1930. The accommodation comprises one public room, one single bedroom used as a diningroom, two double bedrooms, kitchenette and bathroom. The flat has an asbestos tiled roof. There is a mixture of single and double glazed windows throughout the property. The tenant's father installed a gas central heating

system in the property a number of years ago with a grant from Scottish Executive. There is a good sized garden to the side and rear of the property with no vehicular access. Parking is on street and at the time of inspection there were spaces near to the property. The property is situated in a residential area with good access for local amenities and public transport. The tenant drew the Committee's attention to the kitchen units which he stated needed some upgrading, that there was no double glazing in three rooms, that there were broken seals around some windows, and that there were signs of dampness in the kitchen and one bedroom. The tenant also indicated that he had tiled the bathroom and that there were no furnishings, furniture, services or kitchen appliances provided by the landlord. He mentioned that a gas fire in one of the bedrooms, which was provided by the landlord, did not work because of problems with the flue. The Committee did not regard the repairs specified by the tenant as significant and were of the opinion from a visual inspection of the property that the signs of dampness in the kitchen and the bedroom were likely to be caused by condensation due to inadequate ventilation.

HEARING AND DECISION

As no hearing had been requested, the Committee considered carefully the written documentation before it, viz.: -

1. Statement of Reasons dated 18 August 2008 and Register of Rent entry dated 20 August 2008 in connection with a previous application made to the Private Rented Housing Panel for a determination of rent for the property .
2. Form AT4 for the property dated 19 March 2009 being an application by the tenant to seek a determination of rent.
3. Copy Form AT2 dated 2 March 2009 being a Notice from the landlord to the tenant under Section 24(1) of the Housing (Scotland) Act 1988 informing the tenant of an increase in rent and including an acknowledgement of receipt signed by the tenant dated 9 March 2009.
4. Intimation from the landlord dated 7 April 2009 that there was no written representations.
5. Tenant's representations dated 2 April 2009 which highlighted defects to the property and to which the tenant referred at the inspection.
6. Copy letter dated 24 September 2004 from landlord to the tenant confirming the creation of a new statutory assured tenancy.

No submissions with regard to the level of current market rents were put forward by either the landlord or the tenant.

The Committee considered the documents referred to above. The Committee was mindful of the terms of Section 25 of the Housing (Scotland) Act 1988 in determining the rent.

The Committee considered evidence of market rents of other similar properties situated in the location of the property. A part furnished 3 bedroomed lower cottage flat with double glazing and gas central heating is available for rent in Renton Drive, Hillington at a rent of £500 per month. The flat at Renton Drive is advertised as "DSS welcome; No Fees" suggestive that the rent may be at the higher-end attainable and

that additional inducements are required to secure a tenant or to widen the market of available tenants. With this in mind and comparing the unfurnished nature of the property at Innerwick Drive and that it is an upper flat which is generally slightly less popular than a lower flat, the absence of full double glazing, that the kitchen and bathroom fittings in the property are dated and no white goods are provided, and disregarding an element for tenant's improvements, the Committee concluded that applying its skill, knowledge and experience as best it could, that a monthly rent of £420 might be a reasonable expectation of the open market rent.

The Committee checked this rental figure by considering the rental increase sought by the landlord and whether it was roughly consistent with inflationary rental increases. Investigations into "Trends in Scottish Residential Lettings" produced by Citylets on their website www.citylets.co.uk for the first Quarter of 2009 show that average rents in Glasgow fell over the first quarter of 2009 by 0.7% with the Scottish Rental Index between the date of the last decision made by a Private Rented Housing Committee for this property in August 2008 and March 2009 decreasing from 109.6 to 107.6. This equates to a slight reduction in the rent for the property as determined last August and supports the Committee's view that a rent of £420 per month, which equates to £5040 per annum, is reasonable to reflect the current market rental market.

The Committee noted that the landlord wished to increase the rent with effect from 7 October 2009. However, in terms of Section 24(4) of the Housing (Scotland) Act 1988

"Where a notice is served but the rent under the tenancy has previously been increasedthe new rent shall take effect not earlier than the first anniversary of the date on which that increase takes effect."

According to the Statement of Reasons dated 18 August 2008 that decision took effect on Eighth day of October Two thousand and eight, the Committee determined that to comply with said Section 24(4), the rental variation should take effect from the Eighth day of October Two thousand and nine.

A Devanny

Chairperson,
20th May 2009