



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

RAC/G52/A~~178~~

APPLICATION RECEIVED

18 March 2011

ADDRESS OF PREMISES

52 Innerwick Drive, Glasgow, G52 2HG

TENANT

Mr B Jack

NAME AND ADDRESS OF LANDLORD

Gauld Properties
22 Milnpark Street
Glasgow
G41 1BB

AGENT

N/A

RENTAL PERIOD

Monthly

DATE TENANCY COMMENCED

September 2004

DESCRIPTION OF PREMISES

Upper cottage flat within two storey block of four flats circa 1930 with gas central heating and partial double glazing comprising four rooms, kitchenette and bathroom with relative garden grounds.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
PROFFESIONAL MEMBER
LAYMEMBER

Mr J Bauld LLB(Hons) Dip LP
Mr A English FRICS
Mrs S Brown

PRESENT RENT

£ 5200.00 p.a.

RENT DETERMINED

£ 5200.00 p.a.

DATE CONSIDERED

20 May 2011

DATE DETERMINATION TAKES EFFECT

8 October 2011

J Bauld

Chairman of Private Rented Housing Committee

Date

26 May 2011



Determination by Private Rented Housing Committee

Statement of Reasons for Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 24 of the Housing (Scotland) Act 1988

Case Reference Number: RAC/G52/178

Introduction:-

1. This is a reference to the Private Rented Housing Committee in respect of the property at 52 Innerwick Drive, Hillington, Glasgow, G52. The landlords are Gauld Properties Limited. The tenant is Mr Benjamin Jack. The tenancy is a Statutory Assured Tenancy under the Housing (Scotland) Act 1988 ("the Act").
2. On 15th March 2011 the landlords served a notice on the tenant under Section 24(1) of the Act indicating that they intended to increase the rent on the property from £433 per month to £500 per calendar month with effect from 8th October 2011. The tenant timeously objected to that proposed increase by referring the proposed increase to the Private Rented Housing Panel by lodging Form AT4.
3. The matter was referred to a Private Rented Housing Committee and both parties were invited to make written representations. Both parties were also notified that an inspection and hearing would take place and were invited to attend the inspection and hearing. The inspection took place at the property on 20th May 2011. Both parties indicated in advance of the inspection that they did not wish to attend a hearing and were happy to allow the Committee to rely upon the evidence gained at the inspection and from the written representations which they had made.

The Inspection

4. The Committee inspected the property on 20th May 2011. The Committee consisted of:-
Mr James Bauld - Chairperson
Mr Alan English -Surveyor member
Ms Susan Brown - Housing member

Findings of Fact

5. The property is a traditional style upper cottage flat in the Cardonald/Hillington area of Glasgow. The accommodation consists of living room, 3 bedrooms, hall, kitchenette and bathroom. The roof of the property was tiled. The windows within the property were a mixture of single and double glazed UPVC units throughout the property. Central heating had been installed in the property by the tenant's father a number of years ago with the benefit of a grant from the Scottish Executive. There is garden ground allocated to the property to the rear. The property is well located for local amenities and public transport. Externally the building is consistent with its age and type of construction and is generally sound.
6. Internally the flat is in good condition. The bathroom and kitchen are in need of modernisation. The electrical wiring appears to be dated by modern standards.
7. The subjects are let unfurnished and the present tenant has occupied the property for over 50 years. It was previously his parent's house and he now occupies the property on his own.
8. There is a gas fired central heating system within the property. The property is in a reasonable state of decoration. There was some evidence of minor condensation within the kitchen. However no dampness was detected by the Committee.

The Law

9. The Committee is bound to fix a market rent for the subjects by applying the terms of the Act. The Committee is required to determine the rent at which, subject to certain assumptions in the Act, the Committee considers that the subjects might reasonably be expected to achieve if they were let on the open market by a willing landlord under an assured tenancy. There is no single preferred method for fixing the market rent. It is for the Committee to determine based on the evidence before it the best method to fix the market rent.
10. The Committee accordingly considered a variety of properties which are available for let in the area and which are advertised on various property websites. The Committee noted that there were various flats available in Chirnside Road, Merton Drive, Gladsmuir Road, and Thurston Road, all in the Hillington area, where advertised monthly rents ranged from £475 per month to £550 per month. These properties were modernised and were fully provided with appliances, carpets and curtains and the properties at the higher end of the range also were furnished. The Committee considered this evidence together with the documentation provided by both the landlord and tenant. The Committee took the view that the market rent of properties comparable to 52 Innerwick Drive, Glasgow was £525 per month (£6,300 per annum). The Committee were aware that a previous Committee had made a determination on 21st June 2010 in respect of this identical property. The Committee took the view that since 21st June 2010 there has been no evidence of any significant increase in rental values of these types of cottage flats within the Cardonald and Hillington areas. The Committee also acknowledged that an adjustment was also required to reflect the fact that the property at 52 Innerwick Drive was let on an unfurnished basis with partial double glazing and to reflect the fact that the landlords did not supply appliances or floor coverings nor had the landlords carried out any decoration. The Committee also took the view that a deduction was appropriate in respect of the fact that the bathroom and kitchen within the property were not modernised and that the wiring system was reasonably dated. The Committee considered that a deduction of £1,100 per annum was reasonable to reflect these differences.

11. In view of the foregoing, the Committee decided that the open market rent for this property was £5,200 per annum. The Committee noted that no services are provided by the landlord. In reaching this decision the Committee have had regard to all the circumstances required to be taken into account in terms of Section 25 of the Housing (Scotland) Act 1988.
12. Accordingly the Committee decided that the market rent for this property should be £5,200 per annum and this rent should take effect from 8th October 2011, the date indicated in the Form AT2 submitted by the landlord and served on the tenant.
13. The decision of the Committee was unanimous.

Signed **J Bauld**

James Bauld, Chairperson

Date 26 May 2011

Signature of Witness.. **N Wallis**

Date 26 May 2011

Name, address and occupation of the witness (please print):-

SENIOR COURT ADMINISTRATOR

7 West George Street
Glasgow, G2 1BA