



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G42/675	26 January 2009	Landlord

ADDRESS OF PREMISES

0/2, 37 Cartside Street, Glasgow, G42 9TN

TENANT

Mr R.E. Grant

NAME AND ADDRESS OF LANDLORD

Mr R.L. Renfrew

AGENT

Ross & Liddell
60 St Enoch Square
Glasgow
G1 4AW

DESCRIPTION OF PREMISES

Ground floor traditional tenement flat circa 1900 with electric heating comprising one room, kitchen and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR
LAYMEMBER

Mr A Cowan LLB(Hons) Dip LP
Mr M Links FRICS
Mrs C Anderson

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 3180.00 p.a.	8 April 2009	8 April 2009

A Cowan

Chairman of Private Rented Housing Committee

8/4/09

Date

STATEMENT OF REASONS

by

PRIVATE RENTED HOUSING COMMITTEE

in connection with

INSPECTION HELD ON 8 April 2009

of the property at

Flat 0/2, 37 Cartside Street, Glasgow

1 THE PARTIES

The landlord is Mr R L Renfrew per Ross and Liddell, 60 St Enoch Square, Glasgow G1 4AW. The tenant is Mr R E Grant. The Tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

2 BACKGROUND

The current rent of the property is £2,400 per annum. The landlord proposed an increased rent of £3,600 per annum. The Rent Officer determined a rent of £2,900 per annum effective from 19 December 2008. The landlord appealed that determination to the Private Rented Housing Panel ('PRHP').

3 THE INSPECTION

The committee inspected the property which is a ground floor flat in a four storey traditional red sandstone tenement block with a tiled roof. The property consists of one room, kitchen and bathroom. The windows of the property are single glazed. The property benefits from electric storage heating supplied under a government grant scheme approximately six years ago. The bathroom and kitchen fittings are basic and aged. There is a secure door entry system. There is a communal backcourt which contains bin storage. The property is conveniently located for public transport links and local shops and services.

4 THE HEARING

The landlord's agents requested a hearing on the merits of the application to the Private Rented Housing Panel. A hearing was arranged for 12 noon on 8th April 2009 at the offices of the "PRHP". The tenant had indicated that he did not wish to attend the hearing. Neither the landlord nor their agents attended at the hearing. The committee therefore reached their decision on the basis at their inspection of the property and through their own knowledge and experience.

5 THE DECISION

The committee had the following documentations before them:-

- Copy Form RO1 being the landlord's application for registration of the rent dated 15th September 2008.
- Letter from the landlord's agents dated 20 January 2009.
- Determination by the Rent Officer dated 23 January 2009.
- ROCAS Form.
- List of comparable rents provided by the Clerk containing reference to one property at Flat 1/1, 12 Battlefield Gardens, Glasgow G42 9JW (PRHP Ref No G007637).

The committee considered the documents provided. The committee had also obtained details of other properties available to lease in the area from newspaper advertisements and the internet. The committee had also noted that during their inspection various agency boards indicated properties to let in the area.

The committee were mindful of the terms of Section 48(1) of the Rent (Scotland) Act 1984 which requires the committee to have regard to all of the circumstances (other than personal circumstances) and in particular to apply their knowledge and experience of current rents of comparable property in the area, as well as having regard to the age, character and locality of the dwellinghouse in question and to its state of repair and, if any furniture is provided for use under the tenancy, and the quantity, quality and condition of the furniture.

The committee are also required to assume in terms of Section 48(2) of the same Act that "the number of persons seeking to become the tenant of similar dwellinghouses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of dwellinghouses in the locality which are available for letting on such terms".

No capital valuations had been produced and committee were not provided by either party of evidence of either market value rents or capital values in the locality of the subject property.

The clerk to the committee had provided the committee with details of another property in the locality which had recently had a registered rent determined by the Rent Officer. The committee took the view that this property did not provide a useful comparison as it was of a different size from the property under decision.

The committee, in exercising their own knowledge and experience of current rents of comparable property in the area, and noting the details of various properties advertised for let in the area determined that a market rent in respect of a modern furnished property in that area which was of a similar size to the flat at 0/2, 37 Cartside Street, Glasgow would be £375 per month.

The committee further determined that the property at 37 Cartside Street was let as unfurnished and that the tenant did not benefit from use of any white goods or carpets supplied by the landlord. The property (and its fittings) were not of a modern standard. The committee therefore considered that a reasonable reduction was required to reflect the differences between the property at 37 Cartside Street and the market rent for a modern furnished flat of the same size and in the same location.

The committee considered that the cost of supplying appropriate furniture and appliances, installing full double glazing, rewiring the property, replacing the bathroom and kitchen fittings and re-decorating the property and replacing the floorcoverings would cost in the region of approximately £14,000. They considered that this capital expenditure would have a reasonable average life expectancy of 10 years. The committee therefore considered that this justified a reduction of £1,400 from the assessed market rent for a modern furnished flat of the same size and location as the subject property. On a monthly basis the committee determined that their total monthly deduction would be £110 per month. Therefore the committee decided that the appropriate market rent for 37 Cartside Street would be £265 per month (£3,180 per annum) being the market rental level for the modern furnished flat under deduction of the work required to reflect the differences.

Having determined the market rent, the Committee then considered whether there should be any scarcity deduction in terms of Section 48(2) of the 1984 Act. Applying its own skill, knowledge and experience, the Committee could find no evidence of excess demand for properties such as the subjects, noting also that there appeared to be a large number of similar sized properties available for rent in the locality of the subjects. The Committee were also aware of a recent report (January 2009) from the RICS which indicated that there continued to be an excess of supply of properties in the private rented sector in Scotland. In the circumstances the Committee decided that there was no significant scarcity of properties.

Having considered all relevant factors the committee decided that the fair rent for the property at 37 Cartside Street was £3,180 per annum.

In reaching this decision the committee have had regard to all the considerations required to be taken into account in terms of Section 48 of the Rent (Scotland) Act 1984. This decision takes effect from the Eighth day of April, Two thousand and nine.

A Cowan

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Chairperson

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Date

8/4/09