



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

| REFERENCE NO: | OBJECTION RECEIVED | OBJECTION |
|---------------|--------------------|-----------|
| RAC/G42/677 | 26 January 2009 | Landlord |

ADDRESS OF PREMISES

1/2, 157 Stanmore Road, Glasgow, G42 9AN

TENANT

Mr L Suttie

NAME AND ADDRESS OF LANDLORD

West of Scotland Securities Co. Ltd.

AGENT

Ross & Liddell
60 St Enoch Square
Glasgow
G1 4AW

DESCRIPTION OF PREMISES

First floor traditional tenement flat circa 1900 with gas central heating and double glazing comprising living room two bedrooms, dining 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 |
|----------------|------------------|----------------|
| £ 4920.00 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 1/2, 157 Stanmore Road, Glasgow G42 9AN

1 THE PARTIES

The landlord is West of Scotland Securities Company Limited per Ross and Liddell, 60 St Enoch Square, Glasgow G1 4AW. The tenant is Mr Leslie Suttie. The Tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

2 BACKGROUND

The current rent of the property is £3,025 per annum. The landlord proposed an increased rent of £5,400 per annum. The Rent Officer determined a rent of £3,500 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 first floor flat in a three storey buff sandstone tenement block with a tiled roof. The property consists of three rooms, kitchen and bathroom. The windows of the property have recently been renewed with double glazed units. The property benefits from gas heating. There is no 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

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 the hearing. The committee therefore reached their decision on the basis of their inspection of the property the available documentation and 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 registered rents provided by the Clerk containing reference to two properties at
Flat 2 up, 8 Stanmore Road, Glasgow (PRHP Ref No G007637) and
Flat 1/2, 149 Stanmore Road, Glasgow (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 1/2, 157 Stanmore Road, Glasgow would be £500 per month.

The committee further determined that the subject property at 157 Stanmore Road was let as unfurnished and that the tenant did not benefit from use of any white goods or carpets supplied by the landlord. The kitchen and bathroom 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 157 Stanmore Road 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, replacing the bathroom and kitchen fittings and re-decorating the property and replacing the floorcoverings would cost in the region of approximately £10,800. 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 £1,080 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 £90 per month. Therefore the committee decided that the appropriate market rent for 157 Stanmore Road would be £410 per month (£4,920 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 157 Stanmore Road was £4,920 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

8/4/09.
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Date