



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G44/678	29 January 2009	Landlord

ADDRESS OF PREMISES

0/2, 209 Newlands Road, Glasgow, G44 4EZ

TENANT

Mr G Simpson

NAME AND ADDRESS OF LANDLORD

Mrs I.H. Muir

AGENT

Hacking & Paterson
1 Newton Terrace
Glasgow
G3 7PL

DESCRIPTION OF PREMISES

Ground floor traditional tenement flat circa 1900 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
£ 3480.00 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, 209 Newlands Road, Glasgow G44 4EZ

1 THE PARTIES

The landlord is Mrs I H Muir per Messrs Hacking & Paterson, 1 Newton Terrace, Glasgow. The tenant is Mr G Simpson. His tenancy commenced in 1953. It is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

2 BACKGROUND

The current rent of the property is £2,725 per annum. The landlord proposed an increased rent of £4,200 per annum. The Rent Officer determined a rent of £3,275 per annum effective from 19 January 2009. 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 three storey traditional buff sandstone tenement block. The property is situated on Newlands Road close to its junction with Clarkston Road and close to the Weirs Pumps factory. The committee were unable to inspect the interior of the property as the tenant would not allow access. It is understood that the property consists of two rooms, kitchen and bathroom. The windows of the property are single glazed. There is no secure door entry system to the tenement. 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

No hearing was requested.

5 THE DECISION

The committee had the following documentations before them:-

- Copy Form RR1 being the landlord's application for registration of the rent dated 23rd October 2008.
- Letter from the landlord's agents dated 21 January 2009.
- Determination by the Rent Officer dated 27 January 2009.
- ROCAS Form.
- List of comparable rents provided by the Clerk containing reference to one property at Flat 3/1, 6 Clarkston Road, Glasgow G44 3EH (PRHP Ref No G045793).

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, 209 Newlands Road, Glasgow would be £400 per month.

The committee further determined that the property at 209 Newlands 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 property was not of a modern standard. The Landlord did not lead evidence of any recent work carried out to upgrade the property or its fittings. The committee therefore considered that a reasonable reduction was required to reflect the differences between the property at 209 Newlands 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, installing full double glazing, rewiring the property, replacing the bathroom and kitchen fittings and re-decorating the property and replacing the floor coverings 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 of the property at 209 Newlands Road. 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 209 Newlands Road would be £290 per month (£3,480 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 209 Newlands Road was £3,480 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

Chairperson

8/4/09
Date