



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G42/679	1 February 2009	Landlord

ADDRESS OF PREMISES

3/1, 17 Albert Avenue Glasgow, G42 8RB

TENANT

Mrs P McGregor

NAME AND ADDRESS OF LANDLORD

Sheryl Property

AGENT

MacFie & Co.
5 Cathkinview Road
Glasgow
G42 9EA

DESCRIPTION OF PREMISES

Third floor and attic traditional tenement flat circa 1900 with gas central heating comprising on the first level, living room two bedrooms, dining kitchen and wc. Attic level comprises three bedrooms 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
£ 5520.00 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 3/1, 17 Albert Avenue, Glasgow G42 8RB

1 THE PARTIES

The landlords are Sheryl Property per Messrs Macfie and Company, 5 Cathkinview Road, Glasgow. The tenant is Mrs Patricia McGregor. The Tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

2 BACKGROUND

The current rent of the property is £2,912 per annum. The landlord proposed an increased rent of £6,000 per annum. The Rent Officer determined a rent of £3,500 per annum effective from 20 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 two storey property in a four storey and attic traditional buff sandstone tenement block. The entrance to the flat is on the third floor of the tenement. The second floor of the flat extends into the attic space of the tenement building. At entrance level the property consists of three rooms, kitchen and W.C. On the upper floor the property has a further three bedrooms and bathroom. There is a 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 11th November 2008.
- Letter from the landlord's agents dated 26 January 2009.
- Determination by the Rent Officer dated 29 January 2009.
- ROCAS Form.
- List of comparable rents provided by the Clerk containing reference to two properties at
Flat G/R, 51 Albert Avenue, Glasgow (PRHP Ref No G042524)
Flat 1/L, 51 Albert Avenue, Glasgow (PRHP Ref No G042525)

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 3/1, 17 Albert Avenue, Glasgow would be £710 per month.

The committee further determined that the property at 17 Albert Avenue, Glasgow 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 17 Albert Avenue, Glasgow 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 (for a property of this size) in the region of approximately £30,000. In reaching its view the Committee were of the view that some internal alterations would be required to fully modernise the property. In particular the Committee were of the view as the W.C. and bathroom were on separate floors of the property work would be required to redesign these parts of the property to create a fully modern bathroom. 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 £3,000 from the assessed market rent of the property at 17 Albert Avenue. On a monthly basis the committee determined that their total monthly deduction would be £250 per month. Therefore the committee decided that the appropriate market rent for 17 Albert Avenue would be £460 per month (£5,520 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 3/1, 17 Albert Avenue, Glasgow was £5,520 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