



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G41/598	3 September 2007	Landlord

ADDRESS OF PREMISES

0/2, 26 Waverley Gardens, Glasgow, G41 2ED

TENANT

Ms M Sinclair

NAME AND ADDRESS OF LANDLORD

RS Gillies

AGENT

Hacking & Paterson
1 Newton Terrace
Glasgow
G3 7PL

DESCRIPTION OF PREMISES

Main door traditional tenement flat circa 1900 comprising living room, two bedrooms, dining kitchen and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
PROFFSSIONAL MEMBER
LAYMEMBER

Mrs J Docherty BL
Mr A English FRICS
Mrs S Brown

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 3750.00	23 November 2007	23 November 2007

E J Docherty

Chairman of Private Rented Housing Committee

23. 11. 07.

Date

PRIVATE RENTED HOUSING PANEL OF FRIDAY 23RD NOVEMBER 2007

STATEMENT OF REASONS

PROPERTIES

(First) Main door house at 26 Waverley Gardens, Shawlands, Glasgow G41 2ED (hereinafter referred to as "the first flat"), and

(Second) Ground floor left hand house (0/1) at 12 Annette Street, Govanhill, Glasgow G42 8XZ (hereinafter referred to as "the second flat")

INTRODUCTION

These are applications to a Private Rented Housing Panel ("the Committee") for the determination of fair rents for both flats under the Rent (Scotland) Act, 1984 ("the 1984 Act")

The landlord of the first flat is R.S. Gillies whose Agents are Messrs Hacking & Paterson, 1 Newton Terrace, Glasgow, G3 7PL. The tenant of this flat is Miss M. Sinclair who has lived in the flat for more than 40 years. The annual rent for the first flat was last registered on 6th September 2004 at the figure of £2700. On 22nd June 2007, the landlord applied to have this rent increased to £3750. On 14th August 2007, the Rent Officer determined the annual fair rent for the first flat at the figure of £3200 effective from 6th September 2007.

The landlords of the second flat are Angus and Iris MacLean whose Agents are also Messrs Hacking & Paterson. The tenant of this flat is Mr. B. Gow who has lived in the flat for more than 60 years. The annual rent for this flat was last registered on 19th August 2004 at the figure of £2400. On 25th June 2007, the landlords applied to have the rent for the second flat increased to £3500. On 15th August 2007, the Rent Officer determined the annual fair rent for the second flat at the figure of £2800 effective from 19th August 2007.

Both Applications have been submitted by the respective landlords.

INSPECTION

(First flat) The Committee inspected this flat on the morning of 23rd November 2007 and the tenant was present throughout the inspection. No representative of the landlord attended the inspection.

The flat is a main door flat in a traditional red sandstone four storey tenement which is located at the corner of Waverley Gardens and Westclyffe Street, Shawlands. The property has been stone cleaned sometime ago and the roof is tiled. There are three houses on each of the three upper floors and two on the ground floor

There is a porch at the front door leading onto a generous hall. To the left of the hall lie the sitting room and two further rooms and to the right lie the kitchen and the bathroom. All of these rooms are located on the street frontages of the tenement.

The living room is a large room with a bay window looking onto Westclyffe Street and a single window looking onto Waverley Gardens. These wooden framed windows are single-glazed and appeared in good condition. The tenant advised that she had installed the living-flame gas fire and surround in this room. She had also had the house rewired sometime ago.

The adjoining room is used by the tenant as a t.v. room but it could comfortably hold a double bed. There is one window in the room.

The main bedroom is a large room with a walk-in cupboard and has two windows looking onto Westclyffe Street.

The kitchen which has two windows fronting Waverley Gardens is a generous size with a recess area and can comfortably be classed as a dining kitchen. All units within the kitchen have been installed by the tenant.

The bathroom which also fronts Waverley Gardens is by comparison a very small and narrow room with a single window. The bathroom suite is in good condition and again was installed by the tenant.

The house at the time of the inspection was dry and warm. There is no central heating in the flat. All the heating within the flat has been provided by the tenant. The water is heated by an electric immersion heater

In the hall there are two deep walk-in cupboards. There is also a back door leading from the flat to the close.

The back garden of the flat has been hard-landscaped and at the time of the inspection was fairly tidy.

The front garden which extends round the corner of the tenement is used exclusively by the tenant and is tidy.

The tenant advised that the landlord provides no services in the property and the responsibility for the cleaning of the close and stairs and the maintenance of the back garden is shared with the eleven occupiers of the houses in the tenement.

The tenement overlooks a triangle of attractive garden ground and is in a quiet well established residential area with excellent shopping and travel facilities. The parking is on-street and possibly quite restricted at times.

(Second flat) The Committee also inspected this flat on the morning of 23rd November 2007 and the tenant was there throughout the inspection. The landlords did not attend. This flat lies in the left hand side of the ground floor of a four storey grey sandstone tenement. The property was probably stone cleaned sometime ago but it is now

somewhat shabby in appearance. The roof is tiled. There is a door on the close but no security system. The close, which has broken tiles on both walls, had been washed by the tenant immediately prior to the inspection. The tenant advised that nobody else in the building cleans the common areas.

Leading direct from the close is a very small hall from which leads off a living room to the front of the flat, an internal bathroom and a kitchen to the back of the flat.

The living room is a comfortable size with a walk-in cupboard. There are two wooden framed single-glazed windows looking onto Annette Street.

Leading off the living room is a very small narrow single bedroom which may better be classified as a box room. This room has one window looking onto Annette Street and an internal window which affords borrowed light to the internal bathroom.

The bathroom is accessed from the hall and is very small. The suite is old and in poor condition. There is a vent leading from the bathroom into the close.

The dining kitchen at the back of the house is a good size and has a recess. The combi boiler for the gas central heating is located in the kitchen and there are radiators throughout the flat. There are no units or working surfaces in the kitchen. The tenant advised that work is due to be carried out in the kitchen where there are problems with the flooring.

The tenant advised that the windows throughout the flat are old and cannot be opened.

The back court of the property was hard-landscaped under a back court improvement scheme some years ago. At the time of the inspection, there was a large pile of debris and damaged white goods which had come from a fire-damaged upper flat. The tenant said this debris had been in the back court for some considerable time. He also said there had been a problem with rats in the property and pest control had carried out a recent inspection.

The small front garden used exclusively by the tenant is tidy.

The tenement lies directly opposite a primary school and at the time of the inspection was noisy. Annette street is a very busy through road linking up Allison Street and Calder Street. There are traffic calming bays to slow down the traffic at the school and on-street parking is difficult. Shopping and travel are good.

HEARING

No Hearing had been requested by any of the parties.

DECISION

The Committee looked at the documentation before it, namely:-

1. RRI Application for the first flat dated 22nd June 2007.
2. Landlord's objection re first flat dated 20th August 2007.
3. Rent Register pages for first flat.
4. RRI Application for the second flat dated 25th June 2007.
5. Landlords' objection re second flat dated 29th August 2007.

6. Rent Register pages for second flat.
7. Landlord's representations for first flat dated 14th September 2007.
8. Landlords' representations for second flat dated 21st September 2007.
9. Clerk's list of comparables with relative reports.

The Committee's duties in terms of s.48 (1) of the 1984 Act in determining a fair rent for a regulated tenancy is "to have regard to all 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 dwelling-house and to its state of repair ..." Para (2) then provides that "For the purpose of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwelling-houses in the locality....is not substantially greater than the number of such houses in the locality which are available for letting...". This provision is sometimes known as "the scarcity deduction"

The landlords in their submissions put forward the view that as there is now a state of equilibrium in the letting market, the registered rents should be more reflective of current market rents with a deduction for scarcity being inappropriate. The landlords however, did not submit any evidence of market value rents or capital values of properties in the area.

The Committee therefore had to consider firstly, what is the level of current rents of comparable properties in the area and secondly, is a scarcity deduction appropriate at this time.

In relation to the first flat, the Committee looked at the list of comparable properties furnished by the Clerk and in particular at the neighbouring house at 38 Westclyffe Street in Shawlands where a fair rent of £3600 was determined by a Committee in August 2007. This house did not have a second bedroom but had central heating and the Committee after much careful discussion and consideration took the view that the rent of £3750 now being sought by the landlord sits comfortably with this comparable rent and agreed that the fair rent should be fixed at this figure of £3750.

In relation to the second flat, the Committee again looked at the Clerk's list of comparables and in particular at the flat at 27 Daisy Street where a rent of £3300 was determined by a Committee on 19th February 2007. This flat has double glazing, two rooms, dark kitchenette and bathroom which probably compares in size with the second flat with its small boxroom/bedroom and small dark internal bathroom. The Committee again having carefully considered, the matter agreed that a rent of £3300 is a fair rent for the second flat. The Committee accepted that rents have remained fairly static over the past six months.

From internet sources and newspaper adverts and local letting agencies, the Committee was satisfied that there are a great number of flats now available to rent in the Shawlands and Govanhill areas of Glasgow and accordingly they made no scarcity deduction from the market rent in determining the fair rents of the first and second flats.

In conclusion, the Committee determined that the fair rent for the first flat is £3750 per annum and for the second flat is £3300 per annum.

In reaching this decision, the Committee has had regard to all the requirements of the 1984 Act.

The Committee's decision takes effect from 23rd November 2007.

Chairman **E J Docherty**

Date 8. XI. 07