



**PRIVATE RENTED HOUSING PANEL**

**RENT (SCOTLAND) ACT 1984**

**Notification Of Decision By The Private Rented Housing Committee**

<b>REFERENCE NO:</b>	<b>OBJECTION RECEIVED</b>	<b>OBJECTION</b>
RAC/G11/603	15 October 2007	Landlord

**ADDRESS OF PREMISES**

M/D, 8 Fordyce Street, Glasgow, G11 5PQ

**TENANT**

Mr & Mrs M Lough

<b>NAME AND ADDRESS OF LANDLORD</b>	<b>AGENT</b>
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Partick H.A. Ltd. 10 Mansfield Street Glasgow G11 5QP	N/A
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**DESCRIPTION OF PREMISES**

Main door traditional tenement flat circa 1900 with gas central heating and single glazing comprising two rooms, kitchen and shower room with wc.

**SERVICES PROVIDED**

None

**COMMITTEE MEMBERS**

<b>CHAIRMAN</b>	Mrs J Docherty BL
<b>PROFFFESSIONAL MEMBER</b>	Mr A English FRICS
<b>LAYMEMBER</b>	Mr S Campbell

<b>FAIR RENT</b>	<b>DATE OF DECISION</b>	<b>EFFECTIVE DATE</b>
£ 3500.00 p.a.	5 December 2007	6 September 2007

**E J Docherty**

Chairman of Privat Rented Housing Committee

Date

5. 11. 07

PRIVATE RENTED HOUSING PANEL OF WEDNESDAY, 5<sup>th</sup> DECEMBER 2007

STATEMENT OF REASONS

PROPERTY

Main door house at 8 Fordyce Street, Partick, Glasgow.G11 5QP (hereinafter referred to as "the flat")

INTRODUCTION

This is an application to a Private Rental Housing Panel ("the Committee") for the determination of the fair rent of the flat under the Rent (Scotland) Act, 1984 ("the Act"). The Landlords of the flat are Partick Housing Association Ltd. ("the H. A.") 10 Mansfield Street, Glasgow, G11 5QP. The tenants of the flat are Mr. and Mrs. M. Lough who have lived in the flat for over 22 years. The annual rent for the flat was last registered on 10<sup>th</sup> August 2004 at the figure of £2124.96 effective from 6<sup>th</sup> September 2004. On 4<sup>th</sup> July 2007, the H.A. applied to have this rent increased to £2531.40. On 20<sup>th</sup> August, 2007 the Rent Officer determined the annual fair rent of the flat at the figure of £2340 with effect from 6<sup>th</sup> September 2007. The present application has been made by the H.A.

INSPECTION

The Committee inspected the flat on the morning of 5<sup>th</sup> December 2007. The tenants were both present throughout the inspection. Ms. Lynn Donnelly and Ms. Alison Phillips, a Manager and Assistant in the H. A.'s Customer Services Section, were also in attendance.

The flat is a main door flat in a traditional grey sandstone four storey tenement. The tenement is part of a range of tenements in Fordyce Street which were acquired and refurbished by the H. A. nearly thirty years ago. The roof is tiled.

On entering the flat direct from Fordyce Street there is a fairly narrow hall with a living room to the front of the flat, a bedroom and kitchen to the back and an internal bathroom.

The living room is a small room but it has a walk-in cupboard . There are two single-glazed windows which were fitted at the time of the refurbishment. The tenants complained that the internal wall of this room is damp. The Committee did not find this to be a serious problem

The double bedroom which lies at the back of the flat is a slightly larger room with a shallow cupboard and one similar single-glazed window.

The dining kitchen is a fair size and has one similar window overlooking the backcourt. A gas combi-boiler has been fitted in the kitchen and this heats the water and also the radiators throughout the flat. All the kitchen units are modern and were fitted by the H.A. about five years ago.

The internal bathroom is very small and the bath has been replaced with a generous wet shower. The bathroom suite and shower are in good condition.

The H. A.'s representatives advised that the shower had been requested by the tenants and the flat was classified by H. A. as a two persons adapted disabled flat.

During the inspection, the tenants produced to the Committee written representations listing objections which they wished to bring to the Committee's attention. A copy of these representations was given to the H. A.'s representatives who were asked to consider them carefully and comment thereon. These objections and comments will be referred to in the subsequent Decision paragraph of this Statement of Reasons. At time of the inspection, the flat was dry and comfortable.

The first impression of the flat is that it is cramped. However, it must be mentioned that all the rooms and the hall of the flat are packed with the tenants' furniture and belongings and this restricts the floor space and limits access within the flat.

The wiring dates from the earlier refurbishment and is sufficient.

The back court is tidy and maintained by the H.A.

Fordyce Street is a busy road with on street parking. At the time of the inspection, there was no space at all for parking. Shopping and travel facilities are very good.

#### HEARING

No Hearing had been requested by either of the parties.

#### DECISION

The Committee looked at the documentation before it, namely

1. R.R.I. Application dated 4<sup>th</sup> July 2007
2. H.A.'s objection of 8<sup>th</sup> October 2007
3. Rent Register pages
4. H.A.'s written representations dated 22<sup>nd</sup> October 2007-12-05
5. Tenants' written representations submitted to Committee at the Inspection.

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

In their written representations, the H.A. made reference to the rent of one of their flats at 8 Elie Street where an annual rent of £2428.08 was registered in October 2006. They considered that this flat is a comparable property in the area and has the same accommodation, amenities and is in the same condition as the flat.

The tenants in their written representations list twelve differences in the two flats which are being compared. The H.A.s' representatives during the Inspection accepted that the items detailed by the tenants are accurate but explained that the policy of the H.A. is to determine the rents of their houses at a blanket rate based on the units of accommodation and the amenities of their properties and based on this policy both flats merited equivalent rents.

No other evidence of market value rents or capital values of properties in the area was submitted by either of the parties.

The Committee therefore had firstly to think about the level of current rents of comparable properties in the area

The Clerk had been unable to furnish a list of comparable Registered Rents. However, from internet sources, newspaper adverts and local letting agencies the Committee were able to look at other local market rents. After a great deal of discussion and careful consideration the Committee agreed that the market rent of a flat of this size, with gas central heating in the busy and noisy part of Partick near Dumbarton Road is £3500 per annum.

The Committee had then to consider their second duty and determine if a scarcity deduction is appropriate for the flat.

At present, the sources mentioned above show that there is a great number of flats available to let in the west end of Glasgow and it would appear the supply of these flats meets the demand for same. The Committee having very carefully considered the position determined that in view of the equilibrium of supply and demand it is inappropriate in the present climate to allow any scarcity deduction.

In conclusion, the Committee determined the fair rent of the flat is £3500 per annum. In reaching this decision the Committee has had regard to all the circumstances of the 1984 Act.

The Committee's decision takes effect from 6<sup>th</sup> September 2007.

Chairman

**E J Docherty**

Date

12. XII .07