



**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/G41/700	23 June 2009	Landlord

**ADDRESS OF PREMISES**

3/1, 40 Apsley Street Glasgow, G11 7SW

**TENANT**

Mr J McGuire

**NAME AND ADDRESS OF LANDLORD**

Des Le Marquand

**AGENT**

Ross & Liddell  
60 St Enochs Square  
Glasgow  
G1 4AW

**DESCRIPTION OF PREMISES**

Third floor traditional tenement flat circa 1900 with gas central heating and double glazing comprising one room, kitchen and bathroom.

Estimated gross internal floor area is 52 square metres.

**SERVICES PROVIDED**

None

**COMMITTEE MEMBERS**

**CHAIRMAN**  
**SURVEYOR**  
**LAYMEMBER**

Mrs J Taylor LLB Dip LP NP  
Mr M Links FRICS  
Mr T Keenan

<b>FAIR RENT</b>	<b>DATE OF DECISION</b>	<b>EFFECTIVE DATE</b>
£ 3150.00 p.a.	31 August 2009	31 August 2009

**J Taylor**

Chairperson of Private Rented Housing Committee

9/9/09

Date

## **STATEMENT OF REASONS**

*in connection with*

**INSPECTION HELD ON 31<sup>st</sup> August 2009**

*of the property*

*Flat 3/1, 40 Apsley Street, Glasgow*

### **1. THE PARTIES**

The landlord is Des Le Marquand and he is represented by Ross & Liddell Limited, 60 St Enoch Square, Glasgow, G1 4AW.

The tenant is Mr J McGuire. He has been a tenant of the property for 40 years. His tenancy is a registered tenancy in terms of the Rent (Scotland) Act 1984.

### **2. BACKGROUND**

The current rent is £2300 per annum. The landlord applied for the rent to be increased to £4500. The Rent Officer registered a rent of £2650 per annum with effect from 7<sup>th</sup> July 2009. The Landlord referred the determination to the Private Rented Housing Panel ('PRHP').

### **3. THE INSPECTION**

The committee inspected the property, which is a third floor flat in a four storey, traditional red sandstone tenement. The roof of the tenement is tiled.

The accommodation comprises one room, dining kitchen and narrow bathroom. The floor area of the property is approximately 52 square meters.

A communal door entry system had been installed at the tenement.

The windows in the property are double glazed. There is central heating in the property. There is a communal area at the rear of the tenement and the bin storage area is located here.

The property is conveniently located for public transport and local services.

No services are provided.

#### **4. THE HEARING**

Mr McGuire, the tenant and the landlord's representative Caroline Clark of Ross and Liddell attended the hearing.

In considering evidence of comparable properties Caroline Clark advised the committee that the comparable property provided by the Clerk at 1/R, 12 Woodcroft Avenue, Glasgow was a larger property and it is situated in a better area and therefore in her opinion it was not a directly comparable property with Flat 3/1, 40 Apsley Street, Glasgow. Mr McGuire confirmed that he considered Woodcroft Avenue to be situated in a better area.

Caroline Clark explained that a better comparison was the property at 3 Kennoway Drive, which is a similar size to Flat 3/1, 40 Apsley Street. That property has a modernised bathroom and kitchen and the annual rent is £5100 per annum. Consequently she advised the committee that she considered the rent sought by the landlord of £4500 to be reasonable.

#### **5. THE DECISION**

The committee had the following documents before them:-

- A copy of form RR1, the landlord's application for registration of the rent.
- List of comparable rents, provided by the clerk:-

Address	Accommodation	Description	Effective date	Registered Rent
1/R, 7 Fairlie Park Drive, Glasgow, G11 7SS	2 rooms living kitchen and bathroom	First floor tenement flat C 1900	12 <sup>th</sup> November 2008	£2400
1/R, 12 Woodcroft Avenue, Glasgow, G11 7HX	1 double bedroom, living room, dining kitchen and very narrow bathroom	First floor tenement flat C 1900	12 <sup>th</sup> March 2009	£4800

The committee considered the submissions made by the Mr McGuire and Caroline Clark at the hearing and also the documents provided.

The committee had obtained details of a number of other properties available to lease in the area, from news paper advertisements and the internet. The rents of these properties ranged from £350 to £495 per month. These properties were improved properties and included the provision of furnishings, appliances, modern bathroom and kitchen and floor coverings.

The committee considered this evidence and decided that the market rent of an improved property comparable to 3/1, 40 Apsley Street, Glasgow was £4200 per annum (£350 per month). The committee acknowledged that an adjustment was required to reflect the fact that the property (3/1, 40 Apsley Street, Glasgow) was unimproved, with no modern bathroom or kitchen fitments, appliances, decoration or floor coverings being supplied by the landlords. They considered that a deduction of £1050 per annum was reasonable to reflect these differences.

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 dwelling house in question and to its state of repair and, if any furniture is provided for use under the tenancy, and to the quantity, quality and condition of the furniture'. Also section 48(2) which requires them to 'assume that the number of persons seeking to become tenants of similar dwelling- houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling- houses which are available to let on such terms.'

The committee acknowledged that there is a plentiful supply of similar properties to rent in the area and therefore there is no scarcity of supply of such properties at this time.

Therefore the committee decided that the fair rent of the property was £3150 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 Thirty First day of August Two thousand and nine.

**J Taylor** .....

Chairperson, 9th September 2009