



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G41/701	23 June 2009	Landlord

ADDRESS OF PREMISES

2/2, 188 Albert Drive Glasgow, G41 2NH

TENANT

Mr J McCulloch

NAME AND ADDRESS OF LANDLORD

Kelvin Properties

AGENT

Ross & Liddell
60 St Enochs Square
Glasgow
G1 4AW

DESCRIPTION OF PREMISES

Second floor traditional tenement flat circa 1900 with gas central heating comprising living room two bedrooms, dining kitchen and bathroom.

Estimated gross internal floor area is 95 square metres.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR
LAYMEMBER

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

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 3420.00 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 31st August 2009

of the property

Flat 2/2, 188 Albert Drive, Glasgow

1. THE PARTIES

The landlords are Kelvin River Properties Limited and they are represented by Ross & Liddell Limited, 60 St Enoch Square, Glasgow, G1 4AW.

The tenant is James McCulloch. He has been a tenant of the property for 49 years. His tenancy is a registered tenancy in terms of the Rent (Scotland) Act 1984.

2. BACKGROUND

The current rent is £2850 per annum. The landlords applied for the rent to be increased to £5400 per annum. The Rent Officer registered a rent of £3420 per annum with effect from 26th June 2009. The Landlord referred the determination to the Private Rented Housing Panel ('PRHP').

3. THE INSPECTION

The committee inspected the property, which is a second floor flat in a three storey, traditional blonde sandstone tenement. The roof of the tenement is tiled.

The accommodation comprises three rooms, dining kitchen and narrow bathroom. The approximate floor area of the property is ninety five square metres. The tenant had decorated and maintained the interior of the property throughout the period of the lease.

The windows in the property are single glazed. The tenant obtained a grant from the Scottish Executive to install central heating in the property.

There is no communal door entry system to the tenement with the result that the communal close is in a very poor condition. There is a communal area at the rear of the tenement which did not appear to be regularly maintained.

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

No services are provided.

4. THE HEARING

The tenants did not attend the hearing. The Landlords were represented by Caroline Clark of Ross and Liddell. She advised the committee that the tenant is responsible for the good condition of the property. In relation to the comparable property 0/1, 135 Kilmarnock Road, Glasgow she acknowledged that it was a smaller property than 2/2, 188 Albert Drive as it only has one bedroom. However she explained that due to the particularly poor condition of the close at 188 Albert Drive she was happy to accept the property 0/1, 135 Kilmarnock Road as a comparable property. She acknowledged that the poor condition of the close would result in the landlords having difficulty in letting the property on the open market. Therefore she suggested that a reasonable fair rent for the property 2/2, 188 Albert Drive is £4,500 per annum.

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.
- Written Representations from the tenant which state:-

'As a sitting tenant for 49 years I thought that a 20% rise was adequate especially in the current economic climate.'

- List of comparable rents, provided by the clerk:-

Address	Accommodation	Description	Effective date	Registered Rent
0/1 135 Kilmarnock Road, Glasgow	2 rooms living kitchen and bathroom	Ground floor tenement flat c 1900	21 st April 2008	£4500

The committee considered the submissions made by Caroline Clark and documents provided. The committee accepted her comments on the property 0/1, 135 Kilmarnock Road, Glasgow but as this property is a smaller property they gained little assistance from the comparable rent of this property.

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 £450 to £475 per month. These properties were improved properties and included the provision of furnishings, appliances, modern bathroom and kitchen, floor coverings and double glazing.

The committee considered this evidence and decided that the market rent of an improved property comparable to 2/2, 188 Albert Drive, Glasgow was £450 per month. The committee acknowledged that an adjustment was required to reflect the fact that the property (flat 2/2, 188 Albert Drive, Glasgow) was unimproved, with no modern bathroom or kitchen fitments, appliances, double glazing, decoration or floor coverings being supplied by the landlords. They also acknowledged that an adjustment was required to reflect the particularly poor condition of the communal close. They considered that a deduction of £1980 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 £3420 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