



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G21/711	26 August 2009	Landlord

ADDRESS OF PREMISES

M/D, 21 Edgefauld Place, Glasgow, G21 4UG

TENANT

Mrs MR Howard

NAME AND ADDRESS OF LANDLORD

Lanarkshire Heritable Assets Co.

AGENT

Ross & Liddell
60 St Enochs Square
Glasgow
G1 4AW

DESCRIPTION OF PREMISES

Main door tenement flat circa 1900 comprising three rooms dining kitchen and bathroom

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR
LAYMEMBER

Mrs J Taylor LLB Dip LP NP
Mr A English FRICS
Mrs S Brown

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£4000.00 p.a.	29 October 2009	29 October 2009

J Taylor

Chairman of Private Rented Housing Committee

2nd November 2009

Date



STATEMENT OF REASONS

in connection with

INSPECTION HELD ON 30th October 2009

of the property

Main Door Flat, 21 Edgefauld Place, Glasgow, G21 4UG

1. THE PARTIES

The landlord is Lanarkshire Heritable Assets Co Ltd and they are represented by Ross & Liddell Limited, 60 St Enoch Square, Glasgow, G1 4AW.

The tenant is Mrs F G Howard. She has been a tenant of the property for 51 years. Her tenancy is a registered tenancy in terms of the Rent (Scotland) Act 1984.

2. BACKGROUND

The current rent is £2750 per annum. The landlord applied for the rent to be increased to £4800. The Rent Officer registered a rent of £3250 per annum with effect from 12th August 2009. The Landlord referred the determination to the Private Rented Housing Panel ('PRHP').

3. THE INSPECTION

The committee inspected the property, which is an unimproved main door flat in a blonde sandstone tenement. The roof of the tenement is tiled.

The accommodation comprises three rooms, kitchen and bathroom. The windows in the property are single glazed. The Tenant had installed electric storage heaters in the property, the landlord originally

having provided coal fires. The Tenant advised that the water supply to the property ran through the flat above but confirmed that the water supply in the property was sufficient.

It was noted that 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

The landlord's representative Caroline Clark of Ross and Liddell attended the hearing. The Tenant did not attend. Caroline Clark advised the Committee that the most comparable property she had been able to find details of was a flat at Carbisdale Street which was an improved property with central heating and was being advertised as available for lease at £395 per month, although she found another website advertising the same property for £425 per month. She was aware that the Landlord was looking for rent of £4800 per annum. She advised that she recognised that this figure was a little on the high side and she considered that a more realistic figure was £4200. She acknowledged that the property was unimproved but due to its close proximity to the town centre she considered that an annual rent of £4200 was definitely achievable. She accepted that the windows of the property require some attention and the concrete path needs to be repaired. She explained that she is waiting to receive estimates and authorisation for these repairs.

5. THE DECISION

The committee considered the submissions made by Caroline Clark and the documents that had been submitted, namely:-

- 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
2/2, 165 Killeam Street, Glasgow, G22 5HY	2 rooms, galley kitchen and dark bathroom	Traditional tenement flat	18 th February 2009	£3482.88

- Written representations from the Landlords advising as follows:-
 - We wish to appeal against the annual rent set of £3250, which is £270 per month. The flat comprises 3 rooms, kitchen, bathroom and for a property of this size we would expect a rent nearer £4800.

- List of comparable properties available for lease, provided by the landlord's agents:-

Address	Accommodation	Description	Rent sought
Carbisdale Street, Springburn	2 bedroom flat	Part furnished White meter heating	£395 per month
Lenzie Way, Springburn	2 bedroom flat	Modern flat Furnished, electric central heating, double glazing	£400 per month
Springburn Road	2 bedroom flat	Unfurnished White goods supplied Night storage heating, double glazing, allocated parking	£450 per month
Springburn Road	2 bedroom flat	Unfurnished Fridge freezer and washing machine supplied	£475 per month

- Written representations from the Tenant advising as follows:-
 - I feel that a further rent increase is unjustified because of the lack of maintenance to the building over many years. In particular I would like to draw your attention to the following:
 - The windows are original and have had no maintenance or painting over quite a number of years. Even the factor's agent agreed that they needed attention following a recent inspection.
 - All cold water comes from tanks in the loft space of the property upstairs ie water supply is not mains. In addition to health concerns relating to non mains water supply, there is the inconvenience caused to the neighbours who require to provide access whenever any repair work is required.
 - The supports to the entrance porch and external stair landing of the upstairs flat are severely corroded to the extent that large holes have appeared. The external landing supports are butted into one of my bedroom walls.
 - While I agree that it is fair to increase the rent, the amount of the increase seems excessive:
 - Because it is above the rate of inflation and

- Because of the poor maintenance of the building over a substantial number of years as detailed above.
- The passageway leading from the street to my front door is uneven, badly cracked and damaged and has deteriorated considerably during rent years.
- My garden wall requires pointing and general maintenance.
- As a final example of the poor general maintenance of the property, the gutters were only cleaned out (in 2007) following considerable ingress of water into my flat over several months.

The committee had obtained details of a number of other similar size properties available to lease in the area, from news paper advertisements and the internet. The rents of these properties ranged from £ 395 per month to £475 per month. These properties were improved properties with double glazing and central heating 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 21 Edgefauld Place, Glasgow was £ 5400 per annum (£450 per month). The committee acknowledged that an adjustment was required to reflect the fact that the property (21 Edgefauld Place, Glasgow) was unimproved, with no double glazing of central heating installed and no modern bathroom or kitchen fittings, appliances, decoration or floor coverings being supplied by the landlords. They considered that a deduction of £1400 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 £4000 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 Thirtieth day of October Two thousand and nine.

..... **J Taylor**

Chairperson, 1st November 2009