



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G21/713	3 September 2009	Tenant

ADDRESS OF PREMISES

2/R, 2 Kennoway Drive, Glasgow, G11 7UB

TENANT

Mrs MR Howard

NAME AND ADDRESS OF LANDLORD

Haldane Property Co. Ltd.

AGENT

JB & G Forsyth
Property Management Services
79 West Regent Street
Glasgow
G2 2AS

DESCRIPTION OF PREMISES

Traditional second floor tenement flat circa 1900 comprising one room, living 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
£3200.00 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

Flat 2/R, 2 Kennoway Drive, Glasgow, G11 7UB

1. THE PARTIES

The landlord is Haldane Property Co Limited, 274 Sauchiehall Street, Glasgow and they are represented by J B & G Forsyth Property Management Services, 79, West Regent Street, Glasgow, G2 2AS.

The tenant is Miss J Neil. She has been a tenant of the property since 30th October 1979. Her tenancy is a registered tenancy in terms of the Rent (Scotland) Act 1984.

2. BACKGROUND

The current rent is £2200 per annum. The landlord applied for the rent to be increased to £3000. The Rent Officer registered a rent of £3450 per annum with effect from 8th October 2009. The Tenant referred the determination to the Private Rented Housing Panel ('PRHP').

3. THE INSPECTION

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

The accommodation comprises living room, living kitchen and bathroom.

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

The windows in the property are single glazed. There is no central heating in the property, electric heaters had been installed by the Tenant. 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 hearing was held in the property following the inspection. Miss Neil, the Tenant attended. The Landlord was not present. The Tenant advised the committee that she considered the rent set by the Rent Officer to be excessive. She advised that her daughter rented a three bedroom property in White Street, Partick and the rent was £300 per month. That property was double glazed and central heating had been installed. She also referred to the details of the comparable property provided by the clerk at 40, Apsley Street and explained that she considered that property to be directly comparable to her own property.

She also advised that the property at 2 Kennoway Drive had been rewired approximately 20 years ago but the landlord had carried out minimal repairs since that time.

5. THE DECISION

The committee considered the Tenant's submissions and the documents before them, 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
3/1, 40 Apsley Street, Glasgow	One room, kitchen and bathroom	Traditional tenement flat	31 st August 2009	£3150

- Letter from the Tenant addressed to the Rent Officer advising that she disagrees with the rent fixed as the figure is greater than Landlord's the proposed rent and there have been no improvements carried out to the property for over 21 years.

- Written Representations from the Tenant when she advises inter alia *'the problems with the property which were raised at the time of the last increase in rent, the noisy floor boards and loose and draughty windows, have not been addressed and any improvements to the property have been made by myself at my own expense'*.

Separately the committee had obtained details of a number of other similar sized properties available to lease in the area, from news paper advertisements and the internet. The rents of these properties ranged from £375 to £495 per month. These properties were improved properties and included the provision of furnishings, appliances, modern bathroom and kitchen and floor coverings. Whilst these properties were believed to be a similar size to 2/R, 2 Kennoway Drive it was suspected that the internal layout would have been adjusted to create an additional room (probably a galley kitchen) from the bed recesses.

The committee considered this evidence and decided that the market rent of an improved property comparable to 2/R, 2 Kennoway Drive, Glasgow was £ 5400 per annum (£450 per month). The committee acknowledged that an adjustment was required to reflect the fact that the property (2/R, 2 Kennoway Drive, Glasgow) was unimproved, with no additional room/ galley kitchen, no modern bathroom or kitchen fittings, appliances, decoration or floor coverings being supplied by the landlords. They considered that a deduction of £2200 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 £3200 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