



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G42/735	1 March 2010	Landlord

ADDRESS OF PREMISES

2/2,26 Battlefield Gardens, Glasgow, G42 9JP,

TENANT

Mr McIntyre

NAME AND ADDRESS OF LANDLORD

GM Reid & S Eadie

AGENT

Macfie & Co
5 Cathkinview Road
Glasgow
G42 9EA

DESCRIPTION OF PREMISES

Second floor unmodernised traditional tenement flat circa 1890 comprising three rooms, living kitchen and bathroom.

Gross floor area: 90 square metres.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR
HOUSING PANEL MEMBER

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

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£4300.00 p.a.	13 May 2010	13 May 2010

J Taylor

Chairman of Private Rented Housing Committee

Date

13th May 2010



STATEMENT OF REASONS

in connection with

INSPECTION AND HEARING HELD ON 13th May 2010

In relation to the property

2/2, 26 Battlefield Gardens, Glasgow, G42 9JP

1. THE PARTIES

The Landlords are G M Reid and S Eadie and they are represented by Macfie & Co, 5 Cathkinview Road, Glasgow, G42 9EA.

The Tenant is Mr George McIntyre. He has been a tenant of the property since 1962. His tenancy is a registered tenancy in terms of the Rent (Scotland) Act 1984.

2. BACKGROUND

The current rent is £3100 per annum. The Landlords applied for the rent to be increased to £4500. The Rent Officer registered a rent of £3756 per annum with effect from 3rd April 2010. The Landlords and 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 blonde stone cleaned sandstone tenement, which dates from circa 1890. The tenement has been refurbished in the past and has a tiled roof and a communal door entry system.

The accommodation comprises three rooms, kitchen and bath room. The rooms are generous in size. There is no central heating in the property. The kitchen window is double glazed but the other windows in the property are single glazed.

The floor area of the property is approximately ninety square meters.

There is a communal area at the rear of the tenement and the bin storage area is located here. The property is conveniently situated for public transport and local services.

No services are provided by the landlord.

4. THE HEARING

The hearing was held in the property following the inspection. John Walker and Andy O'Hare, representatives from Macfie & Co attended for the Landlords. The Tenant, George McIntyre, and his wife also attended.

Mr McIntyre commented on the comparable properties supplied by the clerk namely 2/1, 10 Overdale Gardens, Glasgow and 1/1, 165 Stanmore Road, Glasgow. He explained that these two properties are in similar areas to his own property. However these properties are not truly comparable as his property does not have central heating and does not have double glazing (with the exception of the kitchen window).

He also explained that the parking in the vicinity of the property is particularly difficult as there are very few street parking places available.

Mr Walker, for the Landlords advised the committee as follows:-

- He had obtained details of the rents of similar, two bedroom, properties in the area namely: Dundrennan Road rent £570; per month Dundrennan Road rent £575 per month; Battlefield £550 per month; Battlefield Avenue £600 per month.
- He acknowledged that these properties will be renovated properties and will include the provision of carpets and appliances. He considered that between £12000 and £15000 would have to be spent on the property (2/2, 26 Battlefield Gardens) to bring it up to a similar standard as these comparable properties. The upgrading required would include the installation of gas central heating and double glazing, the installation of a modern kitchen (with appliances) and a modern bathroom, redecoration and the fitting of floor coverings. He explained that this would justify a deduction of £1200 to £1500 from the annual rent.
- He concluded that whilst the Landlord's original application sought rent of £4500 he now considers this to be too low and an annual rent of £5250 is more realistic, considering the comparable evidence provided.

5. THE DECISION

The committee had the following documents before them:-

- A copy of form RR1, the Landlords' application for registration of the rent.
- Written representations from the Tenant advising as follows:-

'I would confirm that I am not happy with the proposed increase in Rent.....I would be happy to have a meeting with the private Rented Housing panel for determination.' Also

'No central heating or double glazing. Inadequate heating in kitchen, no heating in bedrooms, hall and bathroom.'

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

Address	Accommodation	Description	Effective date	Registered Rent
2/1, 10 Overdale gardens, Glasgow, G42 9QQ	2 rooms, living kitchen and bathroom. Internal floor area 61 square m.	Second floor tenement flat	3 rd July 2009	£3750
1/1, 165 Stanmore Road, Glasgow, G42 9AN	Living room, 3 bedrooms, living kitchen and very small bathroom. Internal floor area 128 square m.	First floor tenement flat	4 th March 2010	£5400

The committee considered the parties submissions at the hearing and the documents provided. 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. There were 26 properties available to rent in the Battlefield and Langside area. The rents of these properties ranged from £475 to £570 per month. These properties were two bedroom properties.

They were modernised properties which were provided with carpets and appliances and the properties at the higher end of the range were also furnished.

They acknowledged that they had obtained details of more properties available to rent in the area than those provided by the landlords' agents and therefore the range of rents was wider than that suggested by them. They decided that given the generous size of the rooms of the property 2/2, 26 Battlefield

Gardens, Glasgow and the difficulty with parking at the property the market rent of a comparable property was £ 525 per month (£ 6300 per annum).

The committee agreed with the Landlords' agents that an adjustment was required to reflect the fact that the property (2/2, 26 Battlefield Gardens, Glasgow) was unimproved, unfurnished and no decoration or floor coverings were supplied by the Landlords. They acknowledged that six large windows in the property would have to be replaced with double glazed units and they considered that this alone would cost approximately £7500. Also a new kitchen and bathroom would be required, the property would need to be rewired, decorated and appliances would have to be provided. They considered that a deduction of £2000 from the annual rent 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. They also acknowledged that the parties did not provide any evidence of capital values of similar properties and the best evidence available was the evidence of comparable market rents detailed

After consideration of all these factors the committee decided that the fair rent for the property was £4300 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 13th day of May Two thousand and ten.

J Taylor

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Chairperson, 18th May 2010