



PRIVATE RENTED HOUSING PANEL

HOUSING (SCOTLAND) ACT 1988 SECTION 25(1)

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

RAC/TD5/A65

APPLICATION RECEIVED

17 February 2010

ADDRESS OF PREMISES

6 Fairnington Farm Cottages, Maxton, Kelso, TD5 9NT

TENANT

Hugh Tawse

NAME AND ADDRESS OF LANDLORD

N&M Salvesen

AGENT

TC Young Solicitors
Melrose House
69a George Street
Edinburgh
EH2 2JE

RENTAL PERIOD

Monthly

DATE TENANCY COMMENCED

April 1989

DESCRIPTION OF PREMISES

Terraced villa circa 1890 with double glazing, background heating and large gardens to front and rear comprising four rooms, dining hall, kitchen and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
PROFESSIONAL MEMBER
LAYMEMBER

Mr S Walker LLB(Hons) Dip LP ACI Arb.
Mr D Marshall FRICS
Mr J Blackwood

PRESENT RENT

£295.00 p.c.m. (£3540.00p.a.)

RENT DETERMINED

£360.00p.c.m. (£4320.00p.a.)

DATE CONSIDERED

12 July 2010

DATE DETERMINATION TAKES EFFECT

12 July 2010

S Walker

Chairman of Private Rented Housing Committee

Sr August, 2010

Date



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

6 Fairnington Farm Cottage, Kelso, TD5 8NT

INSPECTION:

12th July, 2010

STATEMENT OF REASONS

INTRODUCTION

1. This is a reference to the Private Rented Housing Committee for the determination of an open market rent under the Housing (Scotland) Act 1988 by the landlord, Mr. N & M Salvesen ('the landlord'), in relation to the property known as 6 Fairnington Farm Cottages, Kelso, TD5 ANT.
2. The original rent paid by the tenant, Mr and Mrs Hugh Tawse ('the tenants') in respect of property was £3,540.00 per year. In terms of section 24(2) of the Housing (Scotland) Act 1988, the landlord requires to serve the tenants with a correctly completed form AT2, giving at least six months notice of an increase in rent. The landlord had correctly served the tenants with a notice of rent increase on form AT2. The form was undated however there is an acknowledgement of receipt dated October, 2009. The landlord applied for a new rent when they served the form AT2 and advised that the new rent of £430.00 per month (£5,160.00 per year for the property) would take effect from 19th April, 2010. Accordingly the committee was satisfied that they had jurisdiction to hear the application.
3. Only the tenants and their solicitor, Mrs Pat Thom of Banner Manburke, solicitors, attended the inspection. At the hearing the tenants and their solicitor were joined by the landlord's solicitor, Miss Fiona Greer of TC Young, solicitors.
4. The Committee comprised

Chairman	Mr. S Walker
Surveyor	Mr D Marshall
Housing Member	Mr J Blackwood

THE DOCUMENTATION

5. The Committee considered all the documents referred to it by the parties.

THE INSPECTION

6. The inspection took place on 12th July, 2010. The tenants and their solicitor attended the inspection.
7. Mr Robert Shea, Clerk to Committee, introduced the Committee to the parties. The Committee proceeded to inspect the property.

DESCRIPTION OF THE PROPERTY

8. The property is a terraced farm cottage built c. 1870 comprising of three bedrooms, kitchen, bathroom and livingroom with open fire and large garden. Back boiler central heating. There is significant evidence of a serious damp problem in two of the bedrooms (ground and first floor) which adjoin the next door property.

HEARING

9. The Chairman opened the hearing and invited the landlord's solicitor, Miss Greer, to address the Committee first. Miss Greer advised the Committee that the landlord was owner of several other cottages in the row where the tenant property was located and £430.00 pcm was a fair rent as this was the figure being charged in respect of a directly analogous property in the same row. Number 7 of the farm cottages is currently being charged out at £395.00 pcm which comprises of two bedrooms although there was a 2/3 bedroom property in the row which was being rented out at £430.00 pcm.

10. The Chairman then asked the tenants' solicitor, Mrs Thom, to address the Committee. Mrs Thom together with the tenants advised the Committee that cottage number 7, which is directly analogous, is being rented for £380.00 pcm. This property has oil fired central heating. She further advised the Committee that the tenants consider a fair rent to be between £360.00 to £380.00 pcm.

DECISIONS AND REASONS

11. In this case, both parties produced evidence of comparable rents.
12. In addition to the information provided by the parties, the Committee was aware of the need to proceed on the basis of the best available evidence, using other available evidence as a check where possible. The Committee had the benefit of its own knowledge and experience of the rents passing and being asked in the local market.
13. The Committee from its own experience, knowledge and information available on the internet and from local letting agents as well as the information provided by the parties considered that comparable properties for the rental of three bedroom properties in the Borders area averaged around £350.00 to £395.00 pcm.
14. The Committee considered that a number of deductions should be made to take account that any new tenant would require central heating, carpeting and the damp remedied in respect of the property. The Committee considered that the appropriate open market rent in respect of the property was £4,740.00 per year. The Committee further considered that a deduction was appropriate of £420.00 per year in respect of improvements which would be required to the property.
15. Accordingly, having taken all relevant factors into account, the Committee determined that an open market rent for the property was **£4,320.00** per year. In reaching this decision, the Committee had

regard to all of the evidence and to all the circumstances required to be taken into account in terms of Section 25 of the Housing (Scotland) Act 1988.

16. The Committee decided that the rent of £4,320.00 per year should take effect from 19th April, 2010, the date indicated in the landlord's AT2 form which had been served on the tenant.

S Walker

Signed ..

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

30th July, 2010