



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G52/A83	29 September 2011	Tenant

ADDRESS OF PREMISES

42 Gladsmuir Road, Hillington, Glasgow, G52 2HX

TENANT

Miss Anderson

NAME AND ADDRESS OF LANDLORD	AGENT
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Gauld Properties
22 Milnpark Street
Glasgow
G41 1BB

DESCRIPTION OF PREMISES

Upper cottage flat within two storey block of four flats C. 1930 with electric central heating and partial double glazing comprising 4 rooms, kitchenette and bathroom with relative garden grounds.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
SURVEYOR
HOUSING PANEL MEMBER

Mr A Cowan LLB(Hons) Dip LP
Mr M Links FRICS
Mrs S Brown

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£5,500 p.a.	13 December 2011	4 October 2011

¹¹
A Cowan

Chairman of Private Rented Housing Committee

19th December 2011

Date



Determination by Private Rented Housing Committee

Statement of Reasons for Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 24 of the Housing (Scotland) Act 1988

Case Reference Number: RAC/G52/A83

Introduction:-

1. This is a reference to the Private Rented Housing Committee in respect of the property at 42 Gladsmuir Road, Hillington, Glasgow G52 2HX. The Landlords are Gauld Properties Limited. The Tenant is Miss Agnes Anderson. The Tenancy is a Statutory Assured Tenancy under the Housing (Scotland) Act 1988 ("the Act").
2. On 15th March 2011 the Landlords served a notice on the Tenant under Section 24(1) of the Act indicating that they intended to increase the rent on the property from £490 per month to £540 per month with effect from 4th October 2011. The Tenant timeously objected to that proposed increase by referring the proposed increase to the Private Rented Housing Panel by lodging Form AT4.
3. The matter was referred to a Private Rented Housing Committee and both parties were invited to make written representations. Both parties were also notified that an inspection and hearing would take place and were invited to attend the inspection and hearing. The inspection took place at the property on 13 December 2011. The inspection was attended by the Tenant and Mrs Joan Johnstone, a representative of the Landlord. Thereafter a hearing was held at the offices of the Private Rented Housing Panel, West Campbell Street, Glasgow. The hearing was attended by the Tenant and Mr Gauld of Gauld Properties Limited.

The Inspection

4. The Committee inspected the property on 13 December 2011. The Committee consisted of:-

Mr Andrew Cowan - Chairperson

Mr Mike Links - Surveyor member

Ms Susan Brown - Housing member

Statements of Fact

5. The property is a traditional style upper cottage flat in the Cardonald/Hillington area of Glasgow. The accommodation consists of living room, a galley style kitchen, a dining room situated off the living room, 2 bedrooms and bathroom. The gross internal floor area of the property is approximately 65m². The windows are double glazed units. The double glazed units in the living room, dining area and one of the bedrooms were paid for and provided by the Tenant. The other double glazed units were installed by the Landlords. Electric central heating has been installed in the property by the Tenant. This was paid for by the Tenant. The Tenant has also recently had cavity wall insulation and roof insulation installed at the property. This was paid for using the benefit of a grant from the Scottish Government. There is garden ground allocated to the property. The property is well located for local amenities and public transport. Externally the building is consistent with its age and type of construction and is generally sound.
6. Internally the flat is in a basic condition. The bathroom and kitchen are in need of modernisation. The electrical wiring in the property was renewed by the Landlord in 1998. The property generally is in a poor state of decoration. No appliances have been supplied by the Landlord. The floor coverings throughout the property are minimal but any which are in place have been supplied by the Tenant.

The Hearing

7. At the hearing the Committee had the following documents before them:-
 - (a) Covering letter of 30 June 2000 from the Tenant addressed to the previous Landlords of the property confirming that she succeeded to the tenancy from her late mother.
 - (b) A copy of the form AT2 served by the Landlord upon the Tenant and dated 15 March 2011 which advised that the rent was to be increased to £540 per month from 4 October 2011;
 - (c) A copy of the form AT4 completed by the Tenant, requesting a determination of the rent. In this form the Tenant highlighted some improvements which had been carried out by the Tenant herself during her occupancy of the property. These include:-
 - (a) installation of electric central heating in 1999 at a cost of approximately £2,330;
 - (b) installation of 3 double glazed windows in October 2009 at a cost of approximately £1,910

In addition the Tenant highlighted that the guttering at the corner of the building was in a state of disrepair.

8. The Committee considered these documents. The Committee also heard evidence at the hearing from both the Tenant and the Landlord. The Landlord gave evidence to the Committee that he considered a fully modernised property of a similar size and locality to the property at Gladsmuir Road, could reasonably expect to achieve a market rent of £550 per month. The Landlord accepted in his evidence that such a rent would normally be achieved in respect of a property which was fully modernised, with a modern kitchen and bathroom, good quality floor coverings and electrical appliances supplied. The Committee had themselves obtained details of other similar sized properties available to lease in the area from newspaper advertisements and the internet. The rents of these properties ranged from £500 to £575. These properties had all been modernised and were provided with appliances, carpets and curtains and the properties at the higher end of the range were also furnished. The Committee were therefore able to accept the Landlord's evidence that a fully modernised property might achieve £550 per month by way of rent.

The Law

9. The Committee is bound to fix a market rent for subjects by applying the terms of the Act. The Committee is required to determine the rent at which subject to certain assumptions in the Act the Committee considers that the subjects might reasonably be expected to achieve if they were let in the open market by a willing Landlord under an Assured Tenancy. There is no single preferred method for fixing the market rent. It is for the Committee to determine, based on the evidence before it, the best method to fix a market rent.
10. The Committee had themselves obtained details of other similar sized properties available to lease in the area from newspaper advertisements and the internet. The rents of these properties ranged from £500 to £575. These properties had all been modernised and were provided with appliances, carpets and curtains and the properties at the higher end of the range were also furnished. The Committee were therefore able to accept the Landlord's evidence that a fully modernised property might achieve £550 per month (£6600 per annum) by way of rent.
11. The Committee also acknowledged that an adjustment was required to reflect the fact that 42 Gladsmuir Road, was let on an unfurnished basis with partial double glazing and to reflect the fact that Landlord did not supply appliances or floor coverings nor had the Landlords carried out any decoration. In addition, the Committee were also required to disregard the effect on the rent of the improvements which the Tenant had carried out to the property. These improvements included the installation of 3 double glazing units on 3 of the windows of the property together with the installation of electric central heating. Having taken into account all these matters the Committee considered that a deduction of £1,100 per annum was reasonable to reflect these differences.
12. In view of the foregoing the Committee decided that the open market rent for the property was £5,500 per annum. The Committee noted that no services are provided by the Landlord.
13. In reaching this decision the Committee have had regard to all the circumstances to be taken into account in terms of Section 25 of the Housing (Scotland) Act 1988. Accordingly the Committee decided that the market rent for this property should be £5,500 per annum (£458.33 per month) and this rent should take effect from 4th October 2011 being the original date proposed by the Landlord in the Form AT2.
14. The decision of the Committee was unanimous.

A Cowan

Signed

Date 19th December 2011

Andrew Cowan, Chairperson

Witness ... **C A Millar**

Date 19th December 2011

Name, address and occupation of the witness (please print):-

Carol Anne Millar, Legal Executive, 7 West George Street, Glasgow, G2 1BA