



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G20/843	13 February 2012	Landlord

ADDRESS OF PREMISES

Flat 0/2, 142 Fergus Drive, Glasgow, G20 6AT

TENANT

Miss M Bacchus

NAME AND ADDRESS OF LANDLORD

John Hamilton Graham

AGENT

Ross & Liddell Limited
60 St Enoch Square
Glasgow
G1 4AW

DESCRIPTION OF PREMISES

Ground Floor tenement flat (circa 1900) comprising three rooms, kitchen and bathroom.

Gross internal floor area : 81 metres squared.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN

Jim Bauld

SURVEYOR

Alan English

HOUSING PANEL MEMBER

Chris Harvey

FAIR RENT

£ 6000 p.a.

DATE OF DECISION

10 April 2012

EFFECTIVE DATE

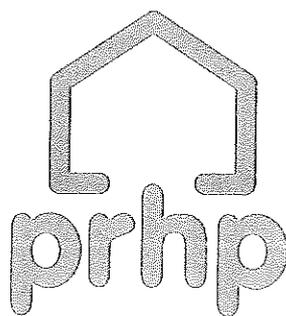
10 April 2012

J Bauld

Chairman of Private Rented Housing Committee

10 April 2012

Date



Determination by Private Rented Housing Committee

Statement of Reasons by the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

In connection with the inspection on 10th April 2012 of the property at

Flat 0/2, 142 Fergus Drive, Glasgow, G20 6AT

Case Reference Number: RAC/G20/843

The Parties:-

1. The landlord of the property is J H Graham per his agents Messrs Ross & Liddell Limited, 60 St Enoch Square, Glasgow, G1 4AW. The tenant is Ms Margaret Bacchus who resides at the property. The tenancy is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

Background:-

2. The current rent for the property is £5,220 per annum (£435 per month). The landlords proposed an increased rent to £6,000 per annum (£500.00 per month). The rent officer determined a rent of £4,154 per annum (£346.17 per month) with effect from 20th December 2011. The landlords appealed that determination to the Private Rented Housing Panel ("PRHP").

The Inspection:-

3. The Private Rented Housing Committee consisting of James Bauld, Chairman, Mr Alan English, surveyor and Mr Christopher Harvey, housing member, inspected the property on 10th April 2012.
4. The property is contained within a 4 storey red sandstone tenement block with a tiled roof. The property is situated on the ground floor. The property consists of three rooms, kitchen, bathroom and hall. The gross internal floor area amounted to 81 square metres or thereby. The property did not benefit from a central heating system and heating was provided by storage heaters and gas fires within some of the rooms. One room was heated by a calor gas heater. The windows had been double glazed. The property had a secure door entry system. The property had exclusive use of a small front garden area

and shared use of a communal back court area. The communal back court area was in excellent condition and contained the bin storage area. The property is conveniently situated for public transport links, local shops and services. It is reasonably close to Byres Road and to the University of Glasgow.

The Decision

5. The landlords and tenant had both indicated they did not wish to attend a hearing in respect of this matter. Accordingly, after the inspection, the Committee convened at the offices of the PRHP to consider their decision.
6. The Committee had the following documentation before them:-
 - Copy Form R01 in respect of the property being the landlords' application for registration of rent dated 25th October 2011
 - Determination by the Rent Officer dated 20th December 2011
 - Written representation received from Peter Bacchus on behalf of the tenant dated 24th February 2012
 - Written representation from the landlord's agents dated 28th February 2012
7. The Committee considered all the documents provided. The Committee also obtained details of other properties available for let in the area from internet advertisements. The landlord's agents had provided copies of some internet advertisements relating to other properties within the Fergus Drive area.
8. The Committee were mindful 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 expertise of other rents with comparable properties in the area as well as having regard to the age, character and locality of the dwellinghouse in question and to the state of repair and, if any, furniture provided for use under the tenancy the quantity, quality and condition of the furniture.
9. The Committee are also required to assume that in terms of Section 48 (2) of the said Act that "the number of persons seeking to become the tenants of similar dwellinghouses in the locality on the terms (other than those related to rent) of a regulated tenancy is not substantially greater than the number of dwellinghouses in the locality which are available for letting on such terms".
10. No capital valuations of the property were produced to the Committee. The Committee were provided with copies of some comparable properties in the area by the landlord. The Committee also used their own knowledge and experience and obtained information which was available to them with regard to other properties which were available for rent in the area. The Committee, from their own knowledge and experience, and from the information provided by the landlord were aware that there were a range of flats available within the general area of the property. Rental levels from these flats ranged from £575 per month to £700. The Committee took the view that the average rent for a modernised and furnished property of the same size as the property under consideration would be approximately £650 per month or £7,800 per annum. The Committee accordingly took the view that the fair market rent for a fully modernised and furnished flat in this locality of a similar size and location as the subject property would be £650 per month or £7,800 per annum.
11. The Committee further determined that the present property was let as unfurnished and did not benefit from the normal amenities and facilities that would be expected in a modernised flat. In particular the Committee noted that the property did not have a central heating system. The Committee also noted that the kitchen and bathroom within the property were not of a modern standard and required to be upgraded. The Committee also noted that the property was not provided with any white goods nor floor covering by the landlord.

12. The Committee therefore decided that a reasonable deduction was required to reflect the difference between the property at Flat 0/2, 142 Fergus Drive, Glasgow and the market rent for a modern flat of the same size and in the same location.
13. The Committee considered the cost of providing the appropriate appliances, furniture and carpeting and upgrading the kitchen and bathroom and providing central heating. The Committee took the view that the costs involved would justify a reduction in the annual rent of £1,800 per annum. Accordingly the Committee determined that a fair rent for the property would be £6,000 per annum being the market rental level for a fully modernised and furnished flat under deduction of the works required to reflect the differences between such a modern flat and the property under inspection. Accordingly the Committee determined that a fair rent for the property should be £6,000 per annum being or £500 per month.
14. Having determined the rent, the Committee then considered whether there should be any scarcity deduction in terms of Section 48 (2) of the 1984 Act. Applying their skill, knowledge and experience, the members of the Committee could find no evidence of excess demand for properties such as the one under inspection and noted also that there appeared to be a large number of properties available for rent in the general locality of the subjects. The Committee accordingly determined that there was no significant scarcity of properties.
15. Having considered all the relevant factors, the Committee decided a fair rent for the property at Flat 0/2, 142 Fergus Drive, Glasgow should be £6,000 per annum. The Committee decided that this rent should apply from the date of the determination being 10th April 2012. In reaching this decision the Committee have had regard to all of the considerations required to be taken into account in terms of Section 48 of the Rent (Scotland) Act 1984.
16. The Committee noted in the determination by the Rent Officer which was the subject of this appeal that it was indicated that the "previous" rent was £3600 per year. All parties were agreed that the current rent was £5220 per year which was the fair rent amount determined by a previous committee. The committee were concerned that the rent officer had been using incorrect information when assessing the application made by the landlord. The application lodged by the landlord indicated the correct current rental level of £5220. The figure used by the rent officer as the "previous" rent was the amount previously determined by the rent officer in December 2008 but which had been replaced by a fair rent set by a previous committee which had issued a determination in March 2009. The amount determined by the rent officer in this application of £4154 per year was a figure substantially lower than the current fair rent. It is a matter of concern to the Committee that the Rent Officer's records have not been updated or appear to be out of date

17. The decision of the Committee was unanimous. This decision takes effect from 10th April 2012.

Signed/ J Bauld

Date 24 April 2012

James Bauld, Chairperson

Signature of Witness G Williams

Date 24/4/12

Name: GILLIAN WILLIAMS

Address: 7 West George Street, Glasgow, G2 1BA

Designation: Senior Court Administrator