



**PRIVATE RENTED HOUSING PANEL**

**RENT (SCOTLAND) ACT 1984**

**Notification Of Decision By The Private Rented Housing Committee**

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<b>REFERENCE NO:</b>	<b>OBJECTION RECEIVED</b>	<b>OBJECTION</b>
RAC/G11/860	21 June 2012	Landlord

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**ADDRESS OF PREMISES**

1/2, 28, Hayburn Street, Glasgow, G11 6DF

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**TENANT**

Miss J McGuire

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<b>NAME AND ADDRESS OF LANDLORD</b>	<b>AGENT</b>
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Partick Housing Association Ltd  
10 Mansfield Street  
Glasgow  
G11 5QP

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**DESCRIPTION OF PREMISES**

Unimproved first floor tenement flat. The accomodation comprises living room, three bedrooms, dining kitchen and bathroom.

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**SERVICES PROVIDED**

None

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**COMMITTEE MEMBERS**

<b>CHAIRMAN</b>	J Taylor LLB Dip LP NP
<b>SURVEYOR</b>	K Bruce MRICS
<b>HOUSING PANEL MEMBER</b>	S Campbell

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<b>FAIR RENT</b>	<b>DATE OF DECISION</b>	<b>EFFECTIVE DATE</b>
£ 4,560 p.a.	15 <sup>th</sup> November 2012	23 <sup>rd</sup> February 2012

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**J Taylor**

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**Chairman of Private Rented Housing Committee**

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**19<sup>th</sup> November 2012**

**Date**



## **STATEMENT OF REASONS**

*in connection with*

**INSPECTION AND HEARING HELD ON 15<sup>th</sup> November 2012**

*In relation to the property*

*Flat 1/2, 28, Hayburn Street, Glasgow, G11 6DF*

### **1. THE PARTIES**

The Landlords are Partick Housing Association Limited, 10 Mansfield Street, Glasgow, G11 5QP.

The Tenant is Miss J McGuire. She has been resident of the property since 14th April 1990. Her tenancy is a registered tenancy in terms of the Rent (Scotland) Act 1984.

### **2. BACKGROUND**

The current rent is £2777.52 per annum (£231.46 per month). The Landlords applied for the rent to be increased to £3649.08 per annum (£304.09 per month). The Rent Officer registered a rent of £3150 per annum (£262.50 per month) with effect from 23<sup>rd</sup> February 2012. The Landlords referred the determination to the Private Rented Housing Panel ('PRHP').

### **3. THE INSPECTION**

On the morning of 15th November 2012 the Committee externally inspected the property as the Tenant was unable to provide access to facilitate an internal inspection.

The property is a first floor flat in a four storey traditional red sandstone tenement, which dates from circa 1890.

The tenement has a tiled roof, a communal door entry system and had been refurbished and upgraded in the past.

The application for registration of the rent stated that the accommodation comprises living room, three bedrooms, dining kitchen and bath room.

The property appears to be unimproved.

There was no sign of a boiler flue on the rear elevation of the tenement and therefore it is assumed that there is no gas central heating in the property.

The windows throughout the property are single glazed.

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 parties did not attend the hearing that had been arranged.

#### **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 Landlords which state that they wish to appeal the rent awarded on the basis of the comparison of the property 256 Dumbarton Road, Glasgow. The rent registered on 29<sup>th</sup> February 2012 was £3737.04.

The committee considered the documents provided.

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 carefully considered which of the three methods of assessing the rent was appropriate in this case. The three recognised methods used in Scotland are (1) determining the fair rent by reference to comparable registered rents in the area. (2) determining the fair rent by reference to market rents of comparable properties allowing for appropriate deductions for scarcity and (3) determining the fair rent by reference to the anticipated annual return based on the capital value of the property. None of these methods is the primary method. The appropriate method depends on the facts and circumstances of each case.

Separately the committee had obtained details of a number of other similar sized properties available to lease in the area from the internet. The rents of these properties ranged from £525 to in excess of £1000 per month. In light of this evidence the committee considered that the method of using comparable market rents was the best evidence available and proceeded to assess the rents of the properties using this method.

These properties were three bedroom properties with kitchen and bathroom. The committee acknowledged that there is a reasonable supply of similar properties to rent in the area and therefore there is no scarcity of supply of such properties at this time.

The Committee considered the details of the other properties available to rent in the area. They were largely situated in more desirable locations within Partick and the west end of Glasgow and they were also improved properties which were provided with carpets and curtains. The properties at the higher end of the range were also furnished. The committee considered the rental evidence provided by the Landlords. No details of the particular features of the properties were provided and therefore the committee found this evidence to be of limited value.

The committee considered the market evidence and reflected that the market rent of properties comparable to Flat 1/2, 28 Hayburn Street, Glasgow was £ 550 per month (£ 6600 per annum). The committee acknowledged that an adjustment was required to reflect the fact that the property (1/2, 28 Hayburn Street, Glasgow) is unimproved; it has single glazed windows and no central heating; it is located in a less desirable area than the comparable properties and it is assumed that it does not have the traditional features typical for a property of this size, also the accommodation is unfurnished and no decoration or floor coverings are supplied by the Landlords. They considered that a deduction of £2040 per annum was reasonable to reflect these differences.

The committee also considered that the property was directly comparable with the property Flat 3/1, 24 Hayburn Street, Glasgow. The committee had previously assessed the rent of that property on 22<sup>nd</sup> August 2012 and had determined the rent of that property to be £4560.

**After consideration of all these factors the committee decided that the fair rent for the property was £4560 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 23<sup>rd</sup> day of February Two Thousand and Twelve.

**J Taylor**

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Chairperson, 19<sup>th</sup> November 2012