

**RENT ASSESSMENT PANEL FOR SCOTLAND**

**RENT (SCOTLAND) ACT 1984**

**NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE**

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<b>REFERENCE NO.</b>	<b>OBJECTION RECEIVED</b>	<b>OBJECTION</b>
RAC/G31/390	1 November 2005	Landlord

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**ADDRESS OF PREMISES**  
3/2, 60 Bathgate Street, Glasgow, G31 1DU

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**TENANT**  
Mr T Donnelly

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**NAME AND ADDRESS OF LANDLORD/AGENT**  
Reidvale Housing Association, 13 Whitevale Street, Glasgow, G31 1QW

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**DESCRIPTION OF PREMISES**  
3rd floor flat in 4 storey buff tenement pre 1919, with central heating and double glazing, comprising 3 double bedrooms, living room, dining kitchen and bathroom.

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**SERVICES PROVIDED**  
None

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**COMMITTEE MEMBERS**

<b>CHAIRMAN</b>	<b>Mrs J Taylor LLB Dip LP NP</b>
<b>PROFESSIONAL MEMBER</b>	<b>Mr G Campbell FRICS</b>
<b>LAY MEMBER</b>	<b>Mrs T Ahmed</b>

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<b>FAIR RENT</b>	<b>DATE OF DECISION</b>	<b>EFFECTIVE DATE</b>
£2,602.00 per annum	19 January 2006	22 November 2005

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**J Taylor**

Chairman of the Rent Assessment Committee

.....26/1/05.....  
Date

## **STATEMENT OF REASONS**

*in connection with*

*the property*

**Flat 3/2, 60 Bathgate Street, Glasgow G31 1DU**

### **THE PARTIES**

The landlord is Reidvale Housing Association Limited, 13 Whitevale Street, Glasgow, G31 1QW. The tenant is Thomas Donnelly.

### **BACK GROUND**

The tenant's lease of the property commenced on 28<sup>th</sup> May 1987. The Rent Officer registered a rent of £2505 per annum, with effect from 22<sup>nd</sup> November 2005. The previous rent was £1972. The Landlord referred the Rent Officer's determination to the Rent Assessment Committee.

### **THE INSPECTION**

The committee were unable to obtain access to the property. However they were able to view the exterior of the property and could confirm that the property is a third floor flat in a four storey traditional sandstone tenement, which was constructed circa 1900. The roof of the tenement is tiled. From the papers they could determine that the accommodation comprises three double bedrooms, living room, dining kitchen and bathroom.

Double glazing had been installed and the landlord's representative confirmed that central heating was installed in October 2002 and no services are provided by the landlord.

The property is conveniently placed for local shops and public transport.

### **THE HEARING**

The tenant did not attend the hearing. The landlords were represented by Jim McAlpine, the Housing Manager of Reidvale Housing Association. He advised the committee that Reidvale Housing Association strongly believes in charging comparable rents for comparable properties and that the rent determined by the Rent Officer of £2505 made the rent of this property out of line with other comparable properties. He explained that in the past Mr Donnelly had turned down the offer of having central heating installed. However central heating was installed in October 2002 and indeed, the Housing Association has now installed central heating in all of their properties. He considered the property 0/2, 139, Thomson Street to be a direct comparison as it is virtually identical to 3/2, 60 Bathgate Street.

He advised the committee that he was unable to comment on a likely capital valuation of the property or indeed on the market rents of comparable properties. He was also unable to comment on an appropriate figure for scarcity. However he did confirm that Reidvale Housing Association has a waiting list of over 600 and that they could let their properties many times over.

### **THE DECISION**

The committee had the following documents before them:-

- A copy of the Rent Officer's determination.
- A copy of the landlord's application for registration of the rent.
- A copy of the landlord's letter of appeal dated 25th October 2005 which stated, *inter alia*:-  
*'We note rent figure has been set at less than the Association requested. Therefore we would request that you pass this to the Rent Assessment Committee for Appeal...'*
- The list of comparable rents prepared by the clerk, namely:-

Address	Accommodation	Effective date	Registered rent	Remarks
3/2, 1328 Duke Street, Glasgow G31 5QG	4 rooms, kitchen and bathroom	14 <sup>th</sup> October 2005	£2605.08	<ul style="list-style-type: none"><li>• Central heating.</li><li>• The committee considered this property to be located too far away from 3/2, 60 Bathgate Street for it to be a comparable property</li></ul>
0/2, 139, Thomson Street, Glasgow	4 rooms, kitchen and bathroom	7 May 2005	£2602	<ul style="list-style-type: none"><li>• Central heating.</li><li>• The committee externally viewed this property and considered it to be very similar to 3/2, 60 Bathgate Street.</li></ul>

The committee considered these documents together with the submissions made by Mr McAlpine.

The committee were mindful of the terms of section 48 of The Rent (Scotland) Act 1984, which states, inter alia :-  
"The committee shall 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".

The committee carefully considered the most appropriate method of determining the fair rent of the property. They recognised that neither the landlord nor the tenant had been able to provide evidence of market rents, capital valuations or scarcity. The committee were mindful of the observations of the Lord President in **Western Heritable Investment Co Ltd v Hunter (2004)** which requires the committee to proceed on the best available evidence and use the other evidence as a cross check where possible. The committee had been able to obtain details of some capital sales and market rents in the area however the values varied so significantly that they were unable to gain assistance from them.

In the circumstances the committee considered that the evidence of comparable fair rents was the best available evidence. They accepted the submission of Mr McAlpine that the property 0/2, 139, Thomson Street is a direct comparison to 3/2, 60 Bathgate Street.

The Committee, after considering these matters decided that the fair rent for the property was £2602 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.

As the landlord is a Housing Association, subsection 60(2) of the Housing (Scotland) Act applies and the effective date is the date the Rent Officer's rent was registered, therefore this decision takes effect from the 22<sup>nd</sup> November 2005.

**J Taylor**

Chairperson

26<sup>th</sup> January 2006

**RENT ASSESSMENT PANEL FOR SCOTLAND**

**RENT (SCOTLAND) ACT 1984**

**NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE**

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<b>REFERENCE NO.</b>	<b>OBJECTION RECEIVED</b>	<b>OBJECTION</b>
RAC/G31/387	17 October 2005	Landlord

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**ADDRESS OF PREMISES**

2/1, 14 Garfield Street, Glasgow, G31 1DW

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**TENANT**

Mr P Kane

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**NAME AND ADDRESS OF LANDLORD/AGENT**

Reidvale Housing Association, 13 Whitevale Street, Glasgow, G31 1QW

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**DESCRIPTION OF PREMISES**

2<sup>nd</sup> floor flat in a 4 storey buff tenement pre 1919, single glazed with central heating, comprising 1 double bedroom, 1 single bedroom, living room, kitchen and bathroom.

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**SERVICES PROVIDED**

None

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**COMMITTEE MEMBERS**

<b>CHAIRMAN</b>	<b>Mrs J Taylor LLB Dip LP NP</b>
<b>PROFESSIONAL MEMBER</b>	<b>Mr G Campbell FRICS</b>
<b>LAY MEMBER</b>	<b>Mrs T Ahmed</b>

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<b>FAIR RENT</b>	<b>DATE OF DECISION</b>	<b>EFFECTIVE DATE</b>
£2,269.00 per annum	19 January 2006	19 November 2005

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**J Taylor**

**Chairman of the Rent Assessment Committee**

26/1/05

.....  
Date

## **STATEMENT OF REASONS**

*in connection with*

*the property*

**Flat 2/1, 014 Garfield Street, Glasgow G31 1DW**

### **THE PARTIES**

The landlord is Reidvale Housing Association Limited, 13 Whitevale Street, Glasgow, G31 1QW. The tenant is Patrick Kane.

### **BACK GROUND**

The tenant's lease of the property commenced on 28<sup>th</sup> July 1983. The Rent Officer registered a rent of £2163 per annum, with effect from 19<sup>th</sup> November 2005. The previous rent was £1719. The Landlord referred the determination to The Rent Assessment Committee.

### **THE INSPECTION**

The committee inspected the property on 19<sup>th</sup> January 2006. The property is a second floor flat in a four storey traditional buff coloured, sandstone tenement, which was constructed circa 1900 and was refurbished, probably over twenty years ago. The roof of the tenement is tiled.

The accommodation comprises two bedrooms (one single and one double), living room, kitchen and bathroom.

The property is single glazed throughout and central heating was installed in February 2004.

There is a door entry system to the tenement and off street parking is available. At the rear of the tenement is a communal area partly slabbed and partly laid with grass, the communal bin area is located here.

The property is conveniently placed for local shops and public transport. No services are provided by the landlord.

### **THE HEARING**

The tenant did not attend the hearing. The landlords were represented by Jim McAlpine, the Housing Manager of Reidvale Housing Association. He advised the committee that Reidvale Housing Association strongly believes in charging comparable rents for comparable properties and that the rent determined by the Rent Officer of £2163 made the rent of this property out of line with other comparable properties. He explained that central heating was installed in February 2004. He considered the property 1/2, 20 Garfield Street to be a direct comparison as it is virtually identical to 2/1, 014 Garfield Street.

He advised the committee that he was unable to comment on a likely capital valuation of the property or indeed on the market rents of comparable properties. He was also unable to comment on an appropriate figure for scarcity. However he did confirm that Reidvale Housing Association has a waiting list of over 600 and that they could let their properties many times over.

### **THE DECISION**

The committee had the following documents before them:-

- A copy of the Rent Officer's determination.
- A copy of the landlord's application for registration of the rent.
- A copy of the landlord's letter of appeal dated 6th October 2005 which stated, *inter alia*:-  
*'We note rent figure has been set at less than the Association requested. Therefore we would request that you pass this to the Rent Assessment Committee for Appeal...'*
- A copy of the tenant's letter. It was not possible to fully read the copy provided, however at the inspection the tenant had explained that he wrote the letter as he had originally considered the rent fixed by the Rent Officer to be too high. However he had changed his mind after discussing the rents with other tenants and he now considered that the Rent Officer's rent was reasonable, especially as central heating had been installed.
- The list of comparable rents prepared by the clerk, namely:-

Address	Accommodation	Effective date	Registered rent	Remarks
1/1, 394 Duke Street, Glasgow G31 5QG	3 rooms, kitchen and bathroom	26 <sup>th</sup> November 2005	£2370	<ul style="list-style-type: none"><li>• Central heating</li><li>• Single glazed property</li><li>• Located on a busy street above a book makers</li></ul>
½, 20 Garfield Street, Glasgow	3 rooms, kitchenette and bathroom	22 <sup>nd</sup> November 2005	£2269	<ul style="list-style-type: none"><li>• Central heating</li><li>• Virtually identical property</li></ul>

The committee considered these documents together with the submissions made by Mr McAlpine.

The committee were mindful of the terms of section 48 of The Rent (Scotland) Act 1984, which states, inter alia :-  
"The committee shall 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".

The committee carefully considered the most appropriate method of determining the fair rent of the property. They recognised that neither the landlord nor the tenant had been able to provide evidence of market rents, capital valuations or scarcity. The committee were mindful of the observations of the Lord President in **Western Heritable Investment Co Ltd v Hunter (2004)** which requires the committee to proceed on the best available evidence and use the other evidence as a cross check where possible. The committee had been able to obtain details of some capital sales and market rents in the area however the values varied so significantly that they were unable to gain assistance from them.

In the circumstances the committee considered that the evidence of comparable fair rents was the best available evidence. They accepted the submission of Mr McAlpine that the property ½, 20 Garfield Street is a direct comparison to 2/1, 014, Garfield Street.

The Committee, after considering these matters decided that the fair rent for the property was £2269 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.

As the landlord is a Housing Association, subsection 60(2) of the Housing (Scotland) Act applies and the effective date is the date the Rent Officer's rent was registered, therefore this decision takes effect from the 19th November 2005.

**J Taylor**

Chairperson

26<sup>th</sup> January 2006