

**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/G71/438	22 June 2006	Landlord

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**ADDRESS OF PREMISES**  
1/1, 41 Main Street, Uddingston, G71 7EP

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**TENANT**  
Ms M Tomlins

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<b>NAME AND ADDRESS OF LANDLORD</b>	<b>AGENT</b>
Thomas Tunnock & Sons Ltd.	Hacking & Paterson 1 Newton Terrace Glasgow G3 7PL

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**DESCRIPTION OF PREMISES**  
First floor tenement flat above commercial property circa 1900 comprising 2 rooms, dining kitchen and bathroom.

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**SERVICES PROVIDED**  
None

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**COMMITTEE MEMBERS**

<b>CHAIRMAN</b>	Mrs J Grant-Hutchison LLB Dip ICEI NP
<b>PROFESSIONAL MEMBER</b>	Mr G Campbell FRICS
<b>LAY MEMBER</b>	Mr M Innes

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<b>FAIR RENT</b>	<b>DATE OF DECISION</b>	<b>EFFECTIVE DATE</b>
£ 3360.00 per annum	24 August 2006	24 August 2006

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**J Grant-Hutchison**

**Chairman of the Rent Assessment Committee**

24.8.06  
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**Date**

## RENT ASSESSMENT COMMITTEE

Held on: Thursday, 25 August, 2006

Property: The first floor left flatted dwellinghouse (Flat 1/1) at 41 Main Street, Uddingston G71 7EP (hereinafter referred to as "the dwellinghouse")

### STATEMENT OF REASONS

#### Introduction

This is a reference to the Rent Assessment Committee for the determination of an increase of rent under the Rent (Scotland) Act 1984 by the Landlord of the dwellinghouse, Thomas Tunnock & Sons Limited, having a place of business at 34 Old Mill Road, Uddingston G71 7HH, whose agents are Hacking & Paterson, Management Services of 1 Newton Terrace, Charing Cross, Glasgow G3 7PL. The Tenant of the dwellinghouse is Ms. Margaret Tomlins who had been paying rent at the rate of £2,450 *per annum*. The Landlords have proposed an increase in rent to a figure of £3,360 *per annum*. The Rent Officer determined a rent of £2,752 *per annum*. The reference arises from the dissatisfaction expressed on the part of the Landlord.

#### The Dwellinghouse

The Committee inspected the Dwellinghouse on the morning of 25 August, 2006.

##### (i) The Exterior:

The Dwellinghouse is the first floor left flatted dwellinghouse in a four storey tenement which was built circa 1900. The ground floor is part of a row of shops. The building is of a red stone construction which has been stone cleaned. The roof is tiled. The gutters and downpipes are in good order. The windows are double glazed. There is a door entry system. There is no garden area, common or otherwise, to the front or back. The Tenant has a right along with the other tenants in the building (all of whom have the same Landlord) of access to the common bin area and common drying area situated to the rear of the building. The Landlord is responsible for maintaining the common bin area and common drying area. There is restricted off street car parking to the front and a public car park to the rear of the dwellinghouse. The locality is mixed commercial/residential. There are good travel and shopping facilities nearby. The tenement is situated on the main road.

##### (ii) The Interior:

The Dwellinghouse comprises a living room, bedroom, dining kitchen and bathroom. The flat had been converted a substantial number of years ago from part of a tearoom. Ormate cornicing was visible in most of the rooms. There is no central heating. The lounge is heated by an electric fire belonging to the Tenant. Hot water is from an electric immersion heater in a water cylinder that is located in the hall cupboard. The wiring is in order. The Tenant confirmed that the Landlord is responsible for all repairs. The Landlord organises the stair cleaning and lighting for the internal close. The Tenant does not pay any additional charge for the stair cleaning or the lighting.

The Tenant allowed the Committee an inspection of the dwellinghouse. The Tenant wished to point out that the windows in each room were draughty. The Tenant had not reported these matters to the Landlord.

### The Documentation

1. A copy of the Register of Fair Rents under Register Numbers G033389 and G034091.
2. Copy Form RR1 completed by the Landlord's agents dated 3 April, 2006.
3. Copy letters from the Landlord's agents dated 16 June, 2006 and 21 August, 2006 respectively.
4. Copy notice of objection from the Scottish Executive Development Department Rent Registration Service dated 20 June, 2006.
5. Copy of the Rent Register Page for the dwellinghouse
6. Copy form from the Tenant in terms of the Rent (Scotland) Act 1984 Schedule 5 Paragraphs 8 and 9 dated 30 June, 2006.

### The Hearing

A Hearing took place at the dwellinghouse with the prior consent and agreement of the Tenant. The Landlord's agents were not in attendance.

The points put forward were as follows by the Tenant:-

1. The rent increase requested by the Landlords was too high taking into account that there was no central heating and the windows were draughty. As the windows were installed some 25 years ago she understood there were no replacement parts available.
2. There is a big demand for the type of dwellinghouse the Tenant lived in. She knew of one such dwellinghouse which was re-let within 3 days.
3. Most of the flats are privately owned in the street and those which were let were private lets.
4. The Tenant was advised of market intelligence gathered by the Committee but she did not wish to make any comments on the amount of rent achieved for similar types of properties in the same street or surrounding area which were privately let or the capital values of private properties which had been purchased recently.

### The Decision

The Committee came to the view that the sum of £3,360 *per annum* was a fair rent for the dwellinghouse.

The Committee came to the view that the comparative method taking account of market rents was the appropriate method in the circumstances in calculating the true rental value. They accepted that there were no relevant recent registered rent decisions for similar properties in the immediate vicinity and that the comparisons referred to them were not appropriate.

In determining a fair rent which is the Committee's obligations in terms of Section 48 of the Rent (Scotland) Act 1984, the Committee require to take into account the age, character and locality of the dwellinghouse, its state of repair and if any furniture is provided under the

tenancy. In this case, the Committee came to the view that the dwellinghouse was in good condition although there was no central heating and the windows were draughty.

The Committee noted that the Landlord's agents had not put forward any of their own comparisons but had referred to in an earlier rent Assessment Committee case (reference RAC/620/305) in relation to a property at Flat 1/1, 28 Raeberry Street, Glasgow where it was decided that there was deemed to be an equilibrium of supply and demand and there was no element of scarcity for open market rented accommodation in that locality. The Committee did not accept that scarcity in relation to the Raeberry Street locality necessarily indicated that there was scarcity in relation to properties in the locality of the Dwellinghouse. It separately considered supply and demand for privately let flats in the local area and noted that flats coming onto the market were very speedily let and in the light of this accepted that the market in the locality is presently in balance. The Committee noted the range of capital values in the vicinity and came to the view that they did not require to rely upon capital values in this particular case as there were a sufficiency of rental comparisons in the area to come to a decision.

The Committee first considered the list of comparable rents produced by the Clerk and came to the view that all the listed comparators were not true comparable properties as the were owned by a Housing Association. The Tenant did not put forward any comparators.

The Committee then considered a list of rental comparisons in the area based on a similar same size of accommodation as the dwellinghouse and noted rents of broadly £4,000 per annum were being achieved. Taking into account the lack of central heating, the draughty windows, an element for furnishings and white goods and floor covering and allowing for the loss of amenity as referred to above, the Committee decided that the rent increase proposed by the Landlord in all these circumstances was fair.

In reaching the Decision the Committee had regard to all the requirements of Section 48 of the Rent (Scotland) Act 1984. The Committee's Decision takes effect from 24 August, 2006.

Chairman . **J Grant-Hutchison**

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