

**RENT ASSESSMENT PANEL FOR SCOTLAND**

**RENT (SCOTLAND) ACT 1984**

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

---

<b>REFERENCE NO.</b>	<b>OBJECTION RECEIVED</b>	<b>OBJECTION</b>
RAC/G41/447	3 August 2006	Tenant

---

**ADDRESS OF PREMISES**

Basement Flat, 30 Herriet Street, Glasgow, G41 2RH

---

**TENANT**

Mr AWright

---

**NAME AND ADDRESS OF LANDLORD**

Southside H.A., 553 Shields Road, Glasgow, G41 2RW

---

**DESCRIPTION OF PREMISES**

Main door basement flat in four storey sandstone tenement circa 1890 with central heating, comprising 4 rooms, dining kitchen and bathroom.

---

**SERVICES PROVIDED**

Backcourt maintenance, communal T.V. aerial and door entry system.

---

**COMMITTEE MEMBERS**

<b>CHAIRMAN</b>	Mrs A McCamley BA LLB NP
<b>PROFESSIONAL MEMBER</b>	Mr A English FRICS
<b>LAY MEMBER</b>	Mr S Campbell

---

<b>FAIR RENT</b>	<b>DATE OF DECISION</b>	<b>EFFECTIVE DATE</b>
£ 2909.42 per annum (inclusive of services)	28 September 2006	3 July 2006

---

**A McCamley**

**Chairman of the Rent Assessment Committee**

.....  
**Date**

28/9/06

## RENT ASSESSMENT COMMITTEE

### STATEMENT OF REASONS

Held On: 28th September 2006

Property: Basement Flat, 30 Herriet Street, Glasgow (hereinafter referred to as "the Flat")

#### 1.0 Introduction

This is a reference to a Rent Assessment Committee following an objection by the Tenant to the rent determined by the Rent Officer in respect of the basement flat at 30 Herriet Street, Glasgow. The Landlord is the Southside Housing Association and the Tenant Mr. Alan Wright.

The parties are agreed that the tenancy constitutes a regulated tenancy for the purposes of the Rent (Scotland) Act 1984.

The previous annual rental was £2,745.86. The Landlord proposed £2,920.41. The Rent Officer determined £2,909.42.

The property was inspected by the Committee on the 28th August 2006 in the presence of the Tenant and the two representatives from the Housing Association. The Committee comprised Mrs. A. McCamley (Chairman), Mr. A. English (Surveyor) and Mr. S. Campbell (Lay Member).

#### 2.0 Inspection

- (1) The Situation - this basement flat is situated on a pleasant street in the popular and vibrant district of Pollockshields. It is within walking distance of diverse shops, schools and transport links to and through Glasgow.
- (2) The Exterior - the property forms the basement flat of a traditional three storey sandstone tenement. The flat is accessed via a common entrance door with a

door entry system. There is a common back court with drying area. The reference property has its own back door onto the back green.

- (3) The Interior - the interior of the property comprises a dining kitchen and three other rooms. As a result of Mr. Wright's hap-hazard house-keeping over the preceding six years, access to two rooms was restricted by thigh-high clutter and domestic detritus. We looked into these rooms from the doorway and entered the other two. The bathroom contains a shower fitment, wc and wash hand basin. There has been water penetration in the bathroom. The kitchen has a cooker, sink and washing machine. All the rooms are spacious and well proportioned.

The property benefits from central heating but has not been repaired, improved or maintained since at least 2000. The Landlord and Tenant agree the Landlord has sought access for the above purposes over the last six years, however for a variety of personal reasons which he has now resolved the Tenant has so far refused access.

### 3.0 Documentation

The Committee considered all the written documentation contained within the case papers.

### 4.0 The Hearing

At the request of the Tenant a hearing was held at the offices of the Rent Assessment Committee. Mr. Wright had requested a hearing as he felt in an increase in rent to be unjustified while he had problems with (a) dampness, (b) front room and bathroom windows and (c) flooring in the hallway and kitchen. In response the Landlord advised any problems could and would be remedied if Mr. Wright would allow access. Mr. Wright consented. At the hearing Mr. Wright appeared to accept the Rent Officer's determination represented a fair rent. The Landlord agreed the Rent Officer's determination was fair. The Landlord explained the rent sought was in

line with their letting and rental policy. The Rent Officer's determination was £11 per annum less than policy.

Neither party made representation in relation of the comparable registered rents or market rentals passing in the area nor did either party make any submission to the Committee on the basis of capital value.

#### 5.0 The Decision

The Rent Assessment Committee accept the determination of the fair rent by the Rent Officer.

#### Reason for the Decision

By the conclusion of the Hearing parties thereto appeared to agree the Rent Officer's determination represented a fair rent for the Landlord to demand and the Tenant to pay. Mr. Wright confirmed he would allow access to the property and the Landlord confirmed repair and maintenance work would be carried out.

Although parties to the reference appeared to have reached a consensus the Tenant's reference was not formally withdrawn and the Committee's statutory duty in terms of Section 48 of the Rent (Scotland) Act 1984 remains.

The Committee considered which of the alternative methods of ascertaining a fair rent was most appropriate. It is settled law that the three main guidelines are:-

- (a) To have regard to market rents.
- (b) To compare registered rents for similar protected tenancy properties.
- (c) To ascertain what would be a fair return to the Landlord on capital value.

At the Hearing neither party made representation in relation to market rentals passing in the area nor did either party make any submission to the Committee on the basis of capital value. The Committee considered the schedule of other registered rents produced by the Clerk. While neither property on the register

produced a direct comparator the schedule was indicative of the level of registered rents in the area, and, significantly, we noted the reference property had a rent of £2,782.20 registered in June 2003. The rent now determined amounted to an increase of £163.56 per annum being approximately £3.15 per week.

Having regard to all the circumstances and the information and evidence brought to us today we concluded that the use of the comparable registered fair rent was most appropriate and resolved to proceed on that basis.

Using the properties detailed in the schedule as a guide, adding thereto our own knowledge and experience of comparable properties in the area and being mindful of the accord between the Landlord and Tenant we are satisfied that a rent of £2,909.42 is one which is fair for the Landlord to ask and the Tenant to pay.

The Landlord provides garden maintenance, communal television area and a door entry system and estimates the cost of these services at £180.36 per annum. Section 49(3) of the Rent (Scotland) Act 1984 provides that where the amount attributable to the provision of services is less than 5% of the registered rent that amount is not to be noted but a description of the services given. The Committee has complied with that duty.

In summary having taken all relevant factors into account the Committee determines a fair rent for the property is £2,909.42 per annum.

In reaching its decision the Committee had regard to all the circumstances required to be taken into account in terms of Section 48 and 49 of the Rent (Scotland) Act 1984.

As the Landlord is a Housing Association the effective date of registration is 3rd July 2006.

**A McCamley**

*Chairman*