

RENT ASSESSMENT PANEL FOR SCOTLAND

RENT (SCOTLAND) ACT 1984

NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE

REFERENCE NO.

OBJECTION RECEIVED
RAC/EH8/450

OBJECTION
Landlord

29 August 2006

ADDRESS OF PREMISES

PF1, 130 Buccleuch Street, Edinburgh, EH8 9NQ

TENANT

Mr B Porterfield

NAME AND ADDRESS OF LANDLORD

Northumberland & Durham Property Trust
City Gate
St James Boulevard
Newcastle Upon Tyne
NE1 4JE

AGENT

Redpath Bruce
103 West Regent Street
Glasgow
G2 2DQ

DESCRIPTION OF PREMISES

Ground floor flat in five storey traditional tenement built pre 1890 comprising living room with small boxroom off, two bedrooms, large kitchen and bathroom. Generally unimproved.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN

Mrs A McCamley BA LLB NP

PROFESSIONAL MEMBER

Mr D Marshall FRICS

FAIR RENT

£2950.00 per annum

DATE OF DECISION

DATE

3 November 2006

EFFECTIVE

3 November 2006

A McCamley

Chairman of the Rent Assessment Committee

Date

3/11/06

RENT ASSESSMENT COMMITTEE

STATEMENT OF REASONS

Held On: 3rd November 2006

Property: 130 Buccleuch Street, Edinburgh

1.0 Introduction

The Committee comprised Mrs. A. McCamley (Chairman) and Mr. D. Godfrey (Surveyor) in accordance with Schedule 4 of the Rent (Scotland) Act 1984 paragraph 6. The Landlord is Northumberland and Durham Property Trust Limited represented by Redpath Bruce Property Management. The Tenant is Mr. B. Porterfield. This reference for determination of a fair rent under the Rent (Scotland) Act 1984 is in respect of a ground floor flat at 130 Buccleuch Street, Edinburgh and arises from dissatisfaction on the part of the Landlord.

The previous annual rental was £2,750 per annum. The Landlord applied for a rent of £3,425 per annum. The Rent determined by the Rent Officer was £2,950.

2.0 Inspection

The property was inspected by the Committee on the morning of the 3rd November 2006 in the presence of the Tenant. Although the Landlord was invited to the inspection he did not attend.

- (1) The Situation - the flat is situated in the University District of the City of Edinburgh at the extreme east end of the meadows. It fronts directly on to the pavement of Buccleuch Street which is busy with both pedestrian and vehicular traffic. There are shops nearby and the flat is within walking distance of the vibrant area of Newington.
- (2) The Exterior - the reference property is on the ground floor of a traditional tenement block. There is no front garden. The rear garden cannot be

accessed from the property (except by climbing out of the rear windows). There are public toilets abutting the wall of the back garden and a public path therefrom and thereto. The kitchen and front bedroom face directly onto the public pavement. There is no front garden. The exterior of the building is showing signs of deterioration and requires attention.

- (3) The Interior - the property has three rooms with a kitchen and a bathroom. There is a substantial boxroom and other storage space. The sittingroom and back bedroom are generously proportioned. The front bedroom is smaller and is suffering significant dampness. There is black mould growing on the walls. The kitchen is large but poorly fitted. There is an internal bathroom with shower.

Overall the property is suffering a significant degree of condensation and the recent damp-proofing works appear not to have resolved the rising and penetrating damp. This dampness is affecting the Tenants enjoyment of the property and impacts on every room.

The flat does not benefit from central heating, indeed the only heating is from a gas fire in the sitting room which was installed by the Tenant.

The flat is a "cold water let" although the Tenant has put in a hot water system of a sort.

The wiring is dated and would not meet current standards.

The Landlord has provided a new sink in the kitchen which remains otherwise unimproved.

A new bathroom suite has been installed by the Landlord.

New single glazed windows have been installed at the front of the flat. The rear windows have not been replaced.

3.0 Documentation

The Committee considered the undernoted documents.

Form RR1 (Application for a Registration of Rent)

Landlord Objection Letter

Rent Register Pages

Landlord Representations

Tenant Representations

4.0 The Hearing

Although the Landlord requested the Rent Assessment Committee to make a determination he did not request a Hearing. A Hearing was held at the request of the Tenant. For the convenience of the Committee and by courtesy of the Tenant the Hearing was held in the flat immediately after the inspection.

Mr. Porterfield asked the Committee to consider the following:

- (a) Although damp proofing has been carried out there is still considerable dampness in the flat.
- (b) The new front windows only open at the bottom which is very inconvenient when the windows are hard onto the pavement.
- (c) The bathroom was installed because the old shower tiles had collapsed onto Mr. Porterfield as a result of dampness on the walls.
- (d) The door entry system is broken.
- (e) The works carried out by the Landlord are of the nature of essential repairs not improvements.