



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G14/589	25 May 2007	Landlord

ADDRESS OF PREMISES

3/2, 2291 Dumbarton Road, Glasgow, G14 0NJ

TENANT

Mr & Mrs J Bennett

NAME AND ADDRESS OF LANDLORD	AGENT
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Yoker HA
10 Kelso Place
Glasgow
G14 0LL

DESCRIPTION OF PREMISES

3rd floor traditional tenement flat C.1900 with double glazing and central heating comprising living room, 3 double bedrooms, dining kitchen, bathroom and 3 stores.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN	Mrs J Taylor
PROFFSSIONAL MEMBER	Mr A English

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 4,560.00 p.a.	25 September 2007	11 June 2007

J Taylor

Chairman of Private Rented Housing Committee

25/9/07

Date

STATEMENT OF REASONS

in connection with

INSPECTION HELD ON 16th August 2007

of the property

3/2, 2291 Dumbarton Road, Glasgow, G14 0NJ

1. THE PARTIES

The landlords are Yoker Housing Association, 10 Kelso Place, Yoker, Glasgow, G14 0LL.

The tenants are Mr and Mrs James Bennett. Their tenancy, which commenced on 28th March 2007, is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

2. BACKGROUND

The current rent is £2387.92 per annum and the landlords applied for the rent to be increased to £2975.16.

The Rent Officer registered a rent of £2836 per annum with effect from 11th June 2007 and the Landlord referred the determination to the Rent Assessment Committee.

3. THE INSPECTION

The committee inspected the property, a third floor flat in a traditional red sandstone, four storey tenement. The accommodation comprises living room, three double bedrooms, dining kitchen, bathroom and three stores. The property is fully double glazed and central heating has been installed.

The tenement building was refurbished some time ago. The roof of the tenement is tiled and the communal gutters appeared to be blocked. The communal ground to the rear of the property is laid with slabs.

The property is located on a busy road, opposite Yoker Park and is conveniently located for public transport and local services. No services are provided.

4. THE HEARING

The hearing was adjourned to 25th September 2007, to accommodate the parties.

Ann Wilkinson, a housing manager with Yoker Housing Association, was present at the hearing.

The committee had the following documents before them:-

- A copy of form RR1, the landlord's application for registration of the rent.
- The letter from the landlord's agents dated 26th April 2007, which stated that they objected to the rent set by the Rent Officer.
- A letter from Ann Wilkinson dated 22nd May 2007 advising that she wished to raise an objection to the rent registered on 11th June 2007.
- The written statement by the tenants advising that they wished to attend the hearing. They advised:-
' I think that the rent officer fixed a fair and just rent. I can't compare the rent to similar properties as Yoker Housing Association own all similar properties in the area. I have been a tenant at this address for 21 years and have always relied on the rent officer's judgement and accept his decision of a fair rent. I don't think he's got it wrong this time.'
- The list of comparable properties provided by the clerk:-

Address	Accommodation	Effective date	Registered rent	Remarks
3/1, 1427, Dumbarton Road	4 rooms, kitchen and bathroom	19 th April 2007	£3019.91	Services £55.92
0/1, 20 Earl Street	5 rooms, kitchen and bathroom	25 th March 2004	£3308.78	Services £55.92
3/1, 2378, Dumbarton Road	4 rooms, kitchen and bathroom	25 th March 2004	£2957.52	

Ann Wilkinson advised the committee that she considered that the rent the landlord's had applied for of £2975.16 was the correct, fair rent for the property as she had evidence of rents of other regulated tenancies to support the rent requested, namely:-

- Flat 3/1, 2370 Dumbarton Road- £2919.96 at February 2007 (Reference G062409). This property has an additional WC.
- Flat 0/2, 2315 Dumbarton Road- £2797.92 at February 2007 (Reference G063012). This property has identical accommodation.

- o Flat 3/1, 2378 Dumbarton Road- £2957.52 at November 2006 (Reference G0358349) This property has an additional WC.

She explained that the rent applied for had been calculated using the Housing Association's rent setting policy, which is reviewed annually. She advised that there is a duty on the Housing Association to ensure that the maximum rents are achieved, provided that they are in line with the policies and procedures of the Housing Association which are, in general terms, to provide low cost affordable rents.

The tenants were not present at the hearing but arrived at the PRHP offices fifteen minutes after Ann Wilkinson had left. The tenants advised the committee that they had spoken to Ann Wilkinson in the foyer on the ground floor of the PRHP offices. Indeed the clerk had witnessed this. The clerk had unsuccessfully attempted to contact Ann Wilkinson by telephone to give her the opportunity to return to the hearing whilst the tenants put their position. The committee considered that as Ann Wilkinson had been aware that the tenants had arrived at the PRHP offices they would permit the tenants to advise the committee of their position.

Mr and Mrs Bennett advised the committee as follows:-

- o They were aware of other tenants who rented a larger property from Yoker Housing Association and they were paying a monthly rent of £198.
- o They have had new double glazing installed recently but they are still experienced high levels of traffic noise in the property.
- o They have a problem with condensation in the bathroom.
- o They considered the increase in rent requested by the landlords to be excessive.

5. THE DECISION

The committee considered the parties' submissions and the documents provided. They were mindful of the terms of section 48(1) of the Rent (Scotland) Act 1984 which requires the committee *'to have regard to all the circumstances and 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, to the quantity, quality and condition of the furniture'* and also the terms of 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 had been unable to find evidence of capital valuations of similar properties in the area. They had found evidence of many flats available to lease in the area and therefore they considered that the evidence of the market rents was the best evidence available. Accordingly they gained little assistance from the evidence of the comparable regulated rents provided by the landlords and the clerk.

Due to the plentiful evidence of market rents they determined that there is no scarcity of supply of leased properties.

The committee acknowledged that the flats available to lease were usually renovated properties with full double glazing and central heating. They were also fully carpeted and supplied with furniture and white goods in the kitchen. They considered that the market rent for such a property, of a similar size to 3/2, 2291 Dumbarton Road, was in excess of £475 per month. However deductions were required to reflect the absence of furniture and white goods supplied by the landlords. The committee also considered that prospective tenants would have some resistance to the fact that no carpets and floor coverings were supplied by the landlords. Such prospective tenants would expect a reduction in the rent to reflect the cost of providing floor coverings for the property. The committee considered that a total deduction of £95 per month was reasonable.

Consequently, they decided that the fair rent for the property was £ 4560 per annum (£ 380 per month).

Whilst the committee determined that this is the fair rent for the property they recognised that the landlords would not charge this full market rent but would charge a lesser rent in accordance with their rent setting policy.

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 eleventh day of June Two Thousand and Seven.

J Taylor

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Chairperson, 9th October 2007