



PRIVATE RENTED HOUSING PANEL

RENT (SCOTLAND) ACT 1984

Notification Of Decision By The Private Rented Housing Committee

REFERENCE NO:	OBJECTION RECEIVED	OBJECTION
RAC/G31/594	3 July 2007	Landlord

ADDRESS OF PREMISES

2/1, 26 Garfield Street, Glasgow, G31 1DW

TENANT

Mr H Shaw

NAME AND ADDRESS OF LANDLORD AGENT

Reidvale HA Ltd
13 Whitevale Street
Glasgow
G31 1QW

DESCRIPTION OF PREMISES

Second floor traditional tenement flat C.1900 with gas central heating comprising 3 rooms, kitchenette and dark bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN
PROFESSIONAL MEMBER
LAYMEMBER

Mrs J Taylor LLB Dip LP NP
Mr R Buchan BSc FRICS
Mrs T Ahmed

FAIR RENT	DATE OF DECISION	EFFECTIVE DATE
£ 3,400.00 p.a.	25 September 2007	3 July 2007

J Taylor

Chairman of Private Rented Housing Committee

13th October 2007

Date

STATEMENT OF REASONS

in connection with

INSPECTION HELD ON 25th September 2007

of the property

2/1, 26 Garfield Street, Glasgow, G14 0NJ

1. THE PARTIES

The landlords are Reidvale Housing Association, 13 Whitevale Street, Glasgow, G13 1QW.

The tenant is Mr H Shaw. His tenancy commenced on 28th May 1993 and it is a regulated tenancy in terms of the Rent (Scotland) Act 1984.

2. BACKGROUND

The current rent is £1936 per annum, the landlords applied for the rent to be increased to £2492.

The Rent Officer registered a rent of £2277 per annum with effect from 3rd July 2007 and the Landlord referred the determination to the Rent Assessment Committee.

3. THE INSPECTION

The committee inspected the property, which is located in the Dennistoun area of Glasgow. The property is a second floor flat in a traditional blonde sandstone, four storey tenement. The accommodation comprises living room, one double bedroom, one single bedroom, kitchenette and internal bathroom. There are two recessed cupboards off the bedroom and the hall. The windows are double glazed and central heating had been installed recently.

The tenement building was refurbished over twenty years ago. The roof of the tenement is tiled and the communal ground to the rear of the property is laid with both slabs and grass.

The property is conveniently located for public transport and local services.

No services are provided.

4. THE HEARING

Neither the landlord nor the tenant attended the hearing.

5. THE DECISION

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 June 2007, which stated that they objected to the rent set by the Rent Officer.
- Letter from Turnbull McCarron, Solicitors, dated 12th July 2007, advising that they act for Mr Shaw and requesting that the following written representation is taken into account:-

' We understand the tenancy in question is a two bedroomed apartment with kitchen, bathroom and living room. We understand that gas central heating has been installed by Reidvale at this property against our client's wishes. We understand that our client did not request this and intimated his strong objections to this at the time of installation. As such, he would request this would not be taken into account in the assessment for rent.

Furthermore, we understand the current rent is £1956 and the landlord has requested an increase to £2492. we would submit that this rise is excessive in the circumstances. We would submit that the decision of the rent officer should be considered more than fair.'

- List of rents of comparable properties, provided by the clerk:-

Address	Accommodation	Effective date	Registered rent	Remarks
0/2, 12 Armadale Street, Glasgow	2 rooms, box room, living kitchen and bathroom	8 th June 2007	£3000	RAC Decision
3/1, 22, Craigpark Drive, Glasgow	2 rooms, living kitchen, scullery and bathroom	12 th April 2007	£2800	RAC Decision

The committee considered 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 three methods used to determine fair rents in Scotland are:-

- (1) Comparable regulated rents.
- (2) Comparable Market rents, making allowances for scarcity and insurance costs and statutory disregards.
- (3) Calculating the appropriate return on capital and making an allowance for scarcity.

The committee is required to consider the best evidence available to them and to use the other available evidence as a cross check. (Western Heritable Investment Co. Ltd v Hunter (2004))

The committee considered the list of comparable regulated rents provided by the clerk and noted that Rent Assessment Committees had considered and determined the rents of these properties. The parties had not provided a capital valuation of the property and the committee had been unable to obtain evidence of recent sales of comparable properties in the area.

The committee had obtained substantial evidence of market rents of similar properties available to lease in the area and due to the volume of this evidence they considered that there is no scarcity of supply of rented properties in the area. They also considered that the evidence of the market rents to be the best evidence available to them.

A selection of properties in the area available to lease at market rents are as follows:-

Address	Accommodation	Rent
Duke Street, Dennistoun	2 bedrooms, living room, kitchen and bathroom Carpets and floor coverings throughout Appliances provided by the landlord Freshly decorated.	£565
Craigpark Drive	2 double bedrooms, ensuite bathroom, living room, kitchen and bathroom Carpets and floor coverings throughout Appliances provided by the landlord Freshly decorated.	£550.

Roslea Drive	2 bedrooms, living room, kitchen and bathroom Carpets and floor coverings throughout Appliances provided by the landlord Freshly decorated.	£475
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Due to the substantial evidence of market rents available the committee considered that this was the best evidence available to them. They recognised that the property 2/1, 26 Garfield Street has a small kitchen and a dark bathroom and therefore they considered that the market rent for a property of this size in the same condition as the properties at Duke Street, Craigpark Drive and Roslea Drive was £4500 per annum (£375 per month). However a deduction from this rent was required to reflect the fact that the landlord did not provide any appliances, the property had not been freshly decorated and that no carpets or floor coverings were provided by the landlord. They estimated that the cost to the landlord in decorating the property and supplying the appliances and floor coverings would be £5500. They considered that this justified a deduction of £1100 per annum. The committee considered whether there should be a further deduction given that the tenant objected to the installation of central heating in the property. At the inspection the tenant had explained to the committee that, whilst he had originally objected to the installation of the central heating system it had been necessary for him to give the necessary consent to the gas board to enable the system to be connected to the mains gas supply. The tenant also advised the committee that whilst he did not use the central heating system to heat the property he did use it to heat the water. Given that the tenant had consented to the system being connected to the mains supply and that he used it to provide hot water the committee determined that there should be no further deduction made. Consequently, they decided that the fair rent for the property was £ 3400 per annum.

In reaching this decision the committee have had regard to all the considerations required to be taken into account in terms of Sections 48 and 49 of the Rent (Scotland) Act 1984.

This decision takes effect from the Third day of July Two thousand and Seven.

J Taylor

Chairperson, 9th October 2007