

Housing and Property Chamber
First-tier Tribunal for Scotland



Housing (Scotland) Act 1988

Register Of Rents Determined Under Statutory Assured Tenancies

REFERENCE NO.

FTS/HPC/RA/17/0007

APPLICATION RECEIVED

10 January 2017

ADDRESS OF PREMISES

Stables Cottage, Abbey House, Culross, Dunfermline, Fife, KY12 8JB

TENANT

Mr Robert Mercer

**NAME AND ADDRESS OF
LANDLORD**

Broomhall Estate
Broomhall Estate
Office,Charlestown
Dunfermline
KY11 3EB

AGENT

Davidson and Robertson Rural
83 North Street,Forfar
Angus
DD8 3BL

RENTAL PERIOD

Yearly

DATE TENANCY COMMENCED

1 October 1989

DESCRIPTION OF PREMISES

Large detached cottage set in a substantial area of parkland and garden ground. Internally the cottage comprises dining kitchen,sitting room,double bedroom and bathroom with shower on the first floor and downstairs a second bedroom and utility room.

SERVICES PROVIDED

None

TRIBUNAL MEMBERS

**LEGAL MEMBER
ORDINARY MEMBER
(SURVEYOR)**

J V Lea
D Godfrey

PRESENT RENT

£5280

PROPOSED RENT	£5760
DETERMINED RENT	£5760
DATE OF DECISION	EFFECTIVE DATE
14 March 2017	1/6/2017

J Lea

Chairperson of tribunal

20/3/17

Date

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

Determination of First-tier tribunal for Scotland (Housing and Property Chamber)

Statement of Decision of First-tier tribunal for Scotland (Housing and Property Chamber)

Chamber Ref:FTS/HPC/RA/17/0007

Stables Cottage, Abbey House,Culross,Dunfermline,Fife KY12 8JB("The house")

The Parties:-

Broomhall Estate, Broomhall Estate Office, Charlestown, Dunfermline, Fife, KY11 3EB ("the landlord") Represented by Davidson and Robertson Rural, 83 North Street, Forfar, Angus, DD8 3BL

Mr Robert Mercer, Stables Cottage ("the tenant")

First-tier tribunal for Scotland (Housing and Property Chamber) ("the tribunal") comprising Judith Lea (legal member) and David Godfrey (ordinary member)

Background

1.Introduction

This is an application by the tenant to the First tier tribunal (Housing and Property Chamber) for a determination of the rent payable under Section 25 of the Housing (Scotland) Act 1988. The Tenancy is a Statutory Assured Tenancy. The Tenant applied to the tribunal for a determination of rent on the prescribed form AT4 dated 7 January 2017.

The tenant is currently paying £5280 per annum (£440 pm). The landlord applied for an increase in rent to £5760 per annum (£480pm) and served the tenant with a notice of increase in rent on form A2. The tenant objected to the increase and applied for the rent to be reviewed on form AT4 dated 7 January 2017. The Tribunal was satisfied that it had jurisdiction to deal with the application.

2.The Inspection

The tribunal inspected the house on 14 March 2017. The Tenant was present during the inspection. The landlord was represented at the inspection by his agent Romy Noble of Davidson and Robertson Rural. It was noted from the inspection that the kitchen is dated and the units were provided by the tenant. The downstairs bedroom is currently uninhabitable due to an extensive damp problem. There are former stables under the property which provide extensive storage space. The garage is in a state of complete disrepair and is no longer capable of use. The heating in the house is provided by the landlord. The toilet in the utility room is not in working order. Photographs were taken during the inspection and these are attached to this decision.

3.The Hearing

Following the inspection, the tribunal held a hearing at Comrie Community Centre, 1 Dean Acres, Comrie, Dunfermline, Fife. The landlord was represented by Romy Noble at the hearing. The tenant did not appear at the hearing. The tenant had asked if the hearing could take place at the property as he had concerns about having to attend a hearing in Comrie. It was explained that the hearing was public and was listed on the tribunal's website and that accordingly it would need to proceed as arranged. The tenant was provided with a taxi number and taxi travel had been authorised. He indicated that he might attend but he had nothing much to add. He did not attend. The tribunal accordingly proceeded in his absence.

The landlord's agent referred the tribunal to the list of comparables lodged. She submitted that these showed the market rent for properties similar to the house under consideration. She confirmed that the properties at East Lodge and West

Lodge were very close and very similar to the house. She also confirmed that both these properties had a fitted kitchen provided by the landlord but that East Lodge had a much smaller floor area. The landlord's agent also provided the tribunal with a copy of two quotes in connection with rectifying the damp problem in the downstairs bedroom. She accepted that the downstairs bedroom was not capable of use in its current condition. The tribunal advised that the state of repair of the downstairs bedroom did not currently meet the repairing standard and suggested that this was something the landlord might wish to consider. The landlord's agent confirmed that the work would be carried out as soon as possible but explained that obtaining access was sometimes difficult and because the tenant did not wish to be phoned rather wishing to be written to.

4.The Decision

In terms of Section 25 of the Housing (Scotland) Act 1988 in determining the rent the tribunal shall have regard to what the house might reasonably be expected to be let for on the open market by a willing Landlord under an Assured Tenancy. In doing this the tribunal require to consider the state of the property as at today's date being the date of inspection. The tribunal must disregard any improvements carried out by the tenant.

The tribunal considered that the properties at East and West Lodge were good comparables being off a similar size and type and in close proximity. The tribunal also considered that the property at Wester Gellet East was a good comparison . These properties are currently let at rents of £500, £575 and £550 per month. Analysis of the comparables gives a market rent of £550 per month. From their own knowledge and experience the tribunal is also aware that two bedroom flats in the Dunfermline area have a market rent of around £550 per month. The tribunal accordingly consider that the market rent for the house would be £550 pounds per month. This rent however requires to be discounted to take account the fact that the landlord has not provided a modernised fitted kitchen and the fact that the second bedroom is currently uninhabitable due to damp. The tribunal is of the opinion that the rent requires to be adjusted by £900 per annum to reflect these matters giving a yearly rent in the region of £5700.

In these circumstances the tribunal consider that an open market rent for the house in its current state is £5760 per annum. In reaching its decision the tribunal had regard to all the evidence led before it, in the papers, at the inspection and at the hearing and all the circumstances which require to be taken into account in terms of section 25 of the Housing (Scotland) Act 1988.

The tribunal decided that the rent should take effect from 1 June 2017, the date indicated in the landlord's AT2 form.

Right of Appeal

A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed
Chairman and legal member

J Lea

Date 20/3/17

Housing and Property Chamber

First-tier Tribunal for Scotland



PHOTOSHEET



Property: STABLES COTTAGE, CULROSS, DUNFERMLINE KY12 8JB

Ref no: FTS/HPC/RA/17/0007

Tribunal: Judith Lea and David Godfrey

Inspection: The property was inspected at 11.00 am Tuesday 14th March 2017.

Access: Mr Robert Mercer (Tenant) was present and provided access to the property.

Photographs

1. Front elevation.
2. Rear elevation.
3. Kitchen
4. Bathroom
5. Dampness in Bedroom 2
6. Dampness in Bedroom 2



Rear elevation



Kitchen



Bathroom



Dampness in Bedroom 2



Dampness in Bedroom 2

14th March 2017

J Lea