

RENT ASSESSMENT PANEL FOR SCOTLAND

RENT (SCOTLAND) ACT 1984

NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE

| REFERENCE NO. | OBJECTION RECEIVED | OBJECTION |
|---------------|--------------------|-----------|
| RAC/G42/454 | 17 October 2006 | Landlord |

ADDRESS OF PREMISES

1/3, 54 Albert Road, Glasgow, G42 8DN

TENANT

Mr D Morrison

NAME AND ADDRESS OF LANDLORD

Lanero Property Co. Ltd.

AGENT

Hacking & Paterson
1 Newton Terrace
Glasgow
G3 7PL

DESCRIPTION OF PREMISES

First floor tenement flat circa 1900 with double glazing comprising 2 rooms, dining kitchen and dark bathroom bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS

CHAIRMAN

Mrs J Grant-Hutchison LLB Dip ICEI NP

PROFESSIONAL MEMBER

Mr G Campbell FRICS

LAY MEMBER

Mrs C Anderson

FAIR RENT

£ 3150.00 per annum

DATE OF DECISION

12 December 2006

EFFECTIVE DATE

12 December 2006

J Grant-Hutchison

Chairman of the Rent Assessment Committee

12.12.06

Date

RENT ASSESSMENT COMMITTEE

Held on: Tuesday, 12 December, 2006

Property: The flatted dwellinghouse (Flat 1/3) at 54 Albert Road, Glasgow G42 8DN
(hereinafter referred to as "the dwellinghouse")

STATEMENT OF REASONS

Introduction

This is a reference to the Rent Assessment Committee for the determination of an increase of rent under the Rent (Scotland) Act 1984 by the Landlord of the dwellinghouse, Lanero Property Company Limited whose agents are Hacking & Paterson, Management Services of 1 Newton Terrace, Charing Cross, Glasgow G3 7PL. The Tenant of the dwellinghouse is Mr. David Morrison who had been paying rent at the rate of £2,350 *per annum*. The Landlord has proposed an increase in rent to a figure of £3,500 *per annum*. The Rent Officer determined a rent of £2,730 *per annum*. The reference arises from the dissatisfaction expressed on the part of the Landlord.

The Dwellinghouse

The Committee inspected the Dwellinghouse on the morning of 12 December, 2006.

(i) The Exterior:

The Dwellinghouse is the first floor right flatted dwellinghouse in a four storey tenement which was built circa 1900. The ground floor is part of a public house and a row of shops. The building is of a buff stone construction which has been stone cleaned. The roof is slate. The gutters and downpipes are in reasonable order. The windows are timber sash and case and are double glazed. There is a door entry system. There is a common untidy garden area to the back where the common bin area and common drying area are situated. Common access is through a common back door. The ground floor in the close of the tenement is uneven. There is off street car parking to the front of the dwellinghouse. The locality is mixed commercial/residential. There are good travel and shopping facilities nearby.

(ii) The Interior:

The Dwellinghouse comprises a living room, bedroom, dining kitchen and dark bathroom. There is historic settlement in the dwellinghouse. There is no central heating. The living room is heated by an electric fire belonging to the Tenant. Hot water is from an electric immersion heater. The wiring is in order. The Tenant confirmed that the Landlord is responsible for all repairs.

The Tenant allowed the Committee an inspection of the dwellinghouse. There was no representation from the Landlord. The Tenant wished to point out that the windows in each room were draughty.

The Documentation

1. A copy of the Register of Fair Rents under Register Numbers G059760 and G056173.
2. A copy of Form RR1 completed by the Landlord's agents dated 27 July, 2006.

3. A copy of letters from the Landlord's agents dated 12 October, 2006 and 30 October, 2006 respectively.
4. A copy of notice of objection from the Scottish Executive Development Department Rent Registration Service dated 16 October, 2006.
5. A copy of the Rent Register Page for the dwellinghouse
6. A copy form from the Tenant in terms of the Rent (Scotland) Act 1984 Schedule 5 Paragraphs 8 and 9 dated 18 October, 2006.

The Hearing

Neither party requested a Hearing.

The Decision

The Committee came to the view that the sum of £3,150 *per annum* was a fair rent for the dwellinghouse.

The Committee came to the view that the comparative method taking account of market rents was the appropriate method in the circumstances in calculating the true rental value. They accepted that there were no relevant recent registered rent decisions for similar properties in the immediate vicinity and that the comparisons referred to them were not appropriate.

In determining a fair rent which is the Committee's obligation in terms of Section 48 of the Rent (Scotland) Act 1984, the Committee require to take into account the age, character and locality of the dwellinghouse, its state of repair and if any furniture is provided under the tenancy. In this case, the Committee came to the view that internally the dwellinghouse was in good condition although there was no central heating and the windows were draughty. However the Committee noted that the dwellinghouse was situated directly above a public house and whilst the noise level emanating from the public house had been reduced six weeks or so before the Committee's inspection by formal action taken by neighbouring proprietors to reduce the noise level, the Tenant and his wife were regularly disturbed by customers who were regularly inebriated coming out of the public house particularly at weekends.

From the evidence before the Committee, the Landlord's agents had not put forward any of their own comparisons but had referred to an earlier rent Assessment Committee case (reference RAC/620/305) in relation to a property at Flat 1/1, 28 Raeberry Street, Glasgow where it was decided that there was deemed to be an equilibrium of supply and demand and there was no element of scarcity for open market rented accommodation in that locality. The Committee considered the supply and demand for privately let flats in the local area and noted that flats coming onto the market were quickly let and in the light of this accepted that the market in the locality is presently in balance. The Committee noted the range of capital values in the vicinity and came to the view that they did not require to rely upon capital values in this particular case as there were a sufficiency of rental comparisons in the area to come to a decision.

The Committee first considered the list of comparable rents produced by the Clerk and came to the view that all the listed comparators were not true comparable properties as one of the flats put forward as a comparison was larger and one was situated in a quieter area. The Tenant did not put forward any comparators.

The Committee then considered a list of rental comparisons in the area based on a similar same size of accommodation as the dwellinghouse. Taking into account the lack of central heating, the draughty windows, and particularly an element for the disturbance from the public house below which the Committee deduced amount to a loss of amenity, the Committee decided that the rent of £3,150 was fair.

In reaching the Decision the Committee had regard to all the requirements of Section 48 of the Rent (Scotland) Act 1984. The Committee's Decision takes effect from 12 December, 2006.

Chairman **J Grant-Hutchison**

Date 21/12/06