

RENT ASSESSMENT PANEL FOR SCOTLAND

RENT (SCOTLAND) ACT 1984

NOTIFICATION OF DECISION BY THE RENT ASSESSMENT COMMITTEE

REFERENCE NO.

RAC/G31/466/7

OBJECTION RECEIVED

21 February 2007

OBJECTION

Landlord

ADDRESS OF PREMISES

Flat 3/1 22 Craigpark Drive Denniston, Glasgow, G31 2NP

TENANT

Mrs R McFadden

NAME AND ADDRESS OF LANDLORD

R. S Gillies

AGENT

Hacking & Paterson
1 Newton Terrace
Glasgow
G3 7PL

DESCRIPTION OF PREMISES

Top floor flat in four storey red sandstone and tile tenement with full central heating, comprising sitting room, bedroom, living/ kitchen, scullery and bathroom.

SERVICES PROVIDED

None

COMMITTEE MEMBERS**CHAIRMAN**

Mr A S Cowan LLB (Hons) Dip LP

PROFESSIONAL MEMBER

Mr A English FRICS

LAY MEMBER

Mr A S Campbell

FAIR RENT

£2800.00 per Annum

DATE OF DECISION

12th April 2007

**EFFECTIVE
DATE**

12th April 2007

A Cowan

Chairman of the Rent Assessment Committee

.....12th April 2007.....
Date

RENT ASSESSMENT COMMITTEE

STATEMENT OF REASONS FOLLOWING A
DETERMINATION OF A FAIR RENT BY THE RENT
OFFICER

DATE OF INSPECTION AND DATE OF DECISION: 12TH
APRIL 2007

PROPERTY AT FLAT 3/1, 22 CRAIGPARK DRIVE,
GLASGOW G31 2NP

1. THE PARTIES

The Landlord is R.S. Gillies, whose agents are Messrs Hacking & Paterson, 1 Newton Terrace, Charing Cross, Glasgow G3 7PL. The tenant is Mrs R McFadden, whose Solicitors are Messrs Turnbull McCarron, 457 Duke Street, Glasgow G31 1RD.

2. THE APPLICATION

The tenancy is a regulated tenancy.

On 4th February 2004, the Rent Officer registered a fair rent of £1975 pounds per annum effective from that date.

On 6th February 2007, on the application of the Landlord, the Rent Officer registered a further fair rent of £2275 pounds per annum effective from that date. The Landlord has timeously objected to that registered rent on the ground that it is too low. In particular, the Landlord has argued that the rent officer's determination does not take account of changes in the rental market over the last few years, particularly with regard to scarcity. The Landlord has proposed a new rent of £2800 per annum.

Accordingly, the matter is referred to the Rent Assessment Committee for determination.

3. DESCRIPTION OF PROPERTY

The Committee inspected the property on the morning of 12th April 2007. The Tenant was present during the inspection. The Landlord had been invited to the inspection but did not attend.

The property is a top floor flat, in a four storey red sandstone tenement which was constructed circa 1900. The tenement has a tiled roof. There is a door entry system to the tenement and a communal area at the rear which is partly grassed and which accommodates a communal bin storage area. The flat comprises of a bedroom, sitting room, living kitchen, scullery and bathroom. Gas central heating has been installed in the property. With the exception of the scullery and bathroom the property has single glazing. The scullery and bathroom share a double glazed window unit installed by the Landlord. The Committee specifically noted that the section of that window serving the bathroom was sealed and accordingly there was no proper ventilation to the bathroom. The property is conveniently located for public transport and local services.

5. DOCUMENTATION

In addition to the extract from the Rent Register, the Committee considered:

- a) Form RR1 Application from the Landlord, the original application for registration of rent by the Landlord dated 28th November 2006
- b) Letter from the Landlord dated 26th February 2007
- c) Written representations from the Landlord dated 26th February 2007 and
- d) Written representations from the Tenant dated 8th March 2007

6. HEARING

The Rent Assessment Committee comprised Mr A S Cowan, Chairman, Mr A English (Surveyor) and Mr A S Campbell.

Prior to the date of the proposed hearing, both parties had indicated that they did not wish to attend the hearing. On the date proposed for the hearing, however, Mr McIlvenny of Messrs Turnbull McCarron, Solicitors, (agents for the Tenant) appeared at the offices of the Rent Assessment

Committee. It was noted that Mr McIlvenny had no further information or submissions to place before the Committee and he took no part in the proceedings.

7. DECISION

The Committee considered all the evidence. The duty of the Committee when determining what rent would be a fair rent under a regulated tenancy is to have regard to all the circumstances, (other than personal circumstances), and, in particular, to apply their knowledge and experience of current rents of other comparable property in the area, as well as having regard to the age, character and locality of the dwellinghouse in question and to its state of repair and, if any furniture is provided for use in the tenancy, the condition of the furniture. The Committee are required to assume that the number of persons seeking to become tenants of similar dwellinghouses 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 dwellinghouses in the locality which are available for letting on such terms (section 48(2)). Disrepair or defects attributable to the tenant should be disregarded, as should any improvements made by the tenant, otherwise than in pursuance of the terms of the tenancy. There were no such defects in this particular case, nor was any furniture provided. In reaching its determination, the Committee complied with its duty as set out above.

The Committee noted the terms of the written representations made on behalf of the tenant. The main argument made by the tenant was that the Landlords' proposed increase was excessively high and that the tenant was satisfied with the rent as determined by the Rent Registration Officer. The Committee were of the view that the comments made by the tenant were not specific and did not directly address the issues which the Committee required to consider when determining a fair rent in terms of the Rent (Scotland) Act 1984.

No capital valuations had been produced. The Committee were not provided by either party with evidence of either market value rents or capital values in the locality. The Committee are aware of the need to proceed on the basis of the best available evidence using other available evidence as a check where possible. The Committee is required by Section 48 of the Rent (Scotland) Act 1984 to determine a fair rent by applying "their knowledge and experience of current rent of comparable

property in the area". The Committee considered a list of comparable properties which had recently had registered rent determined by the Rent Officer. Having viewed the location of each of those potential comparable sites, the Committee agreed that the properties identified were not appropriate to form the basis of a comparison with the property at Craigpark Drive. The Committee concluded that the market value method was the most appropriate method to use in this case and proceeded on that basis.

The Committee took account of the following facts in reaching their decision:

- a) Rents in respect of modern, furnished properties in the area which were a similar size and condition to the flat at 22 Craigpark Drive were around £425 pounds per month
- b) the property at 22 Craigpark Drive was let as unfurnished
- c) the property at 22 Craigpark Drive did not benefit from use of any white goods or carpets supplied by the Landlord
- d) the tenant at 22 Craigpark Drive had made internal improvements, including the re-wiring of the property and the supply of alternative kitchen units
- e) the bathroom at 22 Craigpark Drive was now unventilated and technically did not meet the tolerable standard

Having made allowances for all the above factors and, the Committee applying its skill, knowledge and experience, having regard to the character and extent of the subjects, and all other matters required by the 1984 Act, the Committee determined that the market rent for the subjects is £2800 per annum.

Having determined the market rent, the Committee then considered whether there should be any scarcity deduction in terms of Section 48(2) of the 1984 Act. In the original representations, the Landlords had specifically highlighted that they did not consider that the Rent Officer's determined

rent took account of "changes in the rental market over the last few years, particularly with regard to scarcity". The Committee again applying its skill, knowledge and experience, noting that it could find no evidence of excess demand for properties such as the subjects, noting also that there appeared to be a large number of similar sized properties available for rent in the nearby locality of the subjects, decided that there was no significant scarcity of properties,

Accordingly, the market rent is the fair rent in this case. The decision of the Committee is that the fair rent for the property is £2800 with effect from the 12th April 2007. In reaching that decision , the Committee had regard to all the circumstances required to be taken into account in terms of sections 48 and 49 of the Rent (Scotland) Act 1984.


A Cowan

Andrew Cowan

Chairman

12th April 2007