

PRIVATE RENTED HOUSING PANEL

CASES DECIDED BY PRIVATE RENTED HOUSING COMMITTEE IN SCOTLAND July – September 2010

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES						
RAC/G32/743 28 May 2010	1/1, 6 Budhill Avenue, Glasgow, G32 OPN,	First floor traditional tenement flat circa 1900 comprising two rooms, kitchen and bathroom. Gross floor area - 46 square metres.	£2,200.00	£3,150.00	£2,800.00	Landlord
RAC/G31/744 28 May 2010	0/1,664 Alexandra Parade, Glasgow,G31 3LH,	Ground floor traditional tenement flat circa 1900 comprising two rooms, kitchen and bathroom. Gross floor area - 64 square metres.	£2,075.00	£3,150.00	£3,450.00	Landlord
RAC/G31/745 28 May 2010	1/2,672 Alexandra Parade, Glasgow, G31 3LH,	First floor traditional tenement flat circa 1900 comprising two rooms, kitchen and bathroom. Gross floor area - 64 square metres.	£2,075.00	£3,150.00	£3,450.00	Landlord
RAC/G31/746 28 May 2010	1/2,684 Alexandra Parade, Glasgow, G31 3LH,	First floor traditional tenement flat circa 1900 comprising two rooms, kitchen and bathroom. Gross floor area - 64 square metres.	£2,075.00	£3,150.00	£3,450.00	Landlord
RAC/G42/747 28 May 2010	2/2,256 Calder Street, Glasgow, G42 7PG,	Second floor traditional tenement flat circa 1900 with double glazing comprising two rooms, recessed kitchen and bathroom. Gross floor area - 32 square metres.	£2,270.00	£2,900.00	£3,150.00	Landlord
RAC/G42/748 28 May 2010	3/1,22 Lochleven Road, Glasgow, G42 9JU,	Third floor traditional tenement flat circa 1900 with partial double glazing comprising three rooms, scullery, kitchen and bathroom. Gross floor area - 63 square metres.	£2,650.00	£3,324.00	£3,750.00	Landlord
RAC/G42/750 9 July 2010	0/1, 13 Hampden Terrace, Glasgow, G42 9XG	2 Bedroom ground floor flat in 4 storey tenement block of blonde sandstone construction with a tiled pitched roof. Gross internal floor area is approximately 102 sq. m or thereabouts	£3,100.00	£3,768.00	£4,350.00	Landlord
RAC/G41/751 5 August 2010	1/2, 18 Edgemont Street, Glasgow, G41 3EN,	First floor traditional tenement flat circa 1900 comprising two rooms, kitchen and bathroom	£3,200.00	£3,650.00	£4,080.00	Landlord
RAC/TD8/752 12 July 2010	Lintalee Lodge, Jedburgh, TD8 6PB,	Detached cottage circa 1890 comprising two rooms, kitchen and bathroom with large garden.	£1,224.00	£2,400.00	£3,060.00	Landlord

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES (continued)						
RAC/G40/753 5 August 2010	19 Kinnear Road, Glasgow, G40 3JS,	Modern brick and tile mid terraced two storey house with gas central heating and double glazing, comprising on ground floor two double bedrooms, bathroom on half landing and large living room and kitchen on upper floor.	£4,200.00	£3,293.76	£4,200.00	Landlord
RAC/EH6/754 3 August 2010	PF2, 5 Kinghorn Place, Edinburgh, EH6 4BN	Traditional first floor tenement flat circa 1890 comprising living room, two bedrooms, study, dining kitchen and bathroom. Gross floor area - 67 square metres	£3,650.00	£4,500.00	£4,500.00	Tenant
RAC/EH15/755 3 August 2010	1F2, 10 Marlborough Street, Edinburgh, EH15 2BG	First floor traditional tenement flat circa 1870 comprising living room, two bedrooms, dining kitchen with scullery, bathroom and separate w.c. Gross floor area - 73 square metres	£2,650.00	£3,600.00	£3,800.00	Landlord
RAC/G13/756 8 September 2010	Flat E 1/5, 1618 Great Western Road, Glasgow, G131HQ	First and second floor maisonette in non-traditional 5 storey building C. 1960 with commercial property on ground floor and 2 rows of 9 maisonettes on upper four floors, with rear walkway access, comprising 3 rooms, kitchen and bathroom. Gross internal floor area is approximately 63 sq. m. With partial double glazing	£3,350.00	£4,000.00	£3,975.00	Tenant
RAC/G13/757 8 September 2010	Flat G 1/7, 1618 Great Western Road, Glasgow, G131HQ	First and second floor maisonette in non-traditional 5 storey building C. 1960 with commercial property on ground floor and 2 rows of 9 maisonettes on upper four floors, with rear walkway access, comprising 3 rooms, kitchen and bathroom. Gross internal floor area is approximately 63 sq. m. With electric central heating and partial double glazing.	£3,350.00	£4,000.00	£4,175.00	Tenant
RAC/G13/758 8 September 2010	Flat H 1/8, 1618 Great Western Road, Glasgow, G131HQ	First and second floor maisonette in non-traditional 5 storey building C. 1960 with commercial property on ground floor and 2 rows of 9 maisonettes on upper four floors, with rear walkway access, comprising 3 rooms, kitchen and bathroom. Gross internal floor area is approximately 63 sq. m. With electric central heating and partial double glazing	£3,350.00	£4,000.00	£4,175.00	Tenant

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES (continued)						
RAC/G13/759 8 September 2010	Flat J 1/9, 1618 Great Western Road, Glasgow, G13 1HQ	First and second floor maisonette in non-traditional 5 storey building C.1960 with commercial property on ground floor and 2 rows of 9 maisonettes on upper four floors, with rear walkway access, comprising 3 rooms, kitchen and bathroom. Gross internal floor area is approximately 63 sq. m. With partial double glazing.	£3,350.00	£4,000.00	£3,975.00	Tenant
RAC/TD9/762 25 August 2010	21 Douglas Haig Court, Linden Crescent, Hawick, TD9 9PW	Modernised purpose built self contained flat circa 1980 with gas central heating and double glazing comprising two rooms, kitchenette and bathroom. Services: Warden service, Out of hours alarm service, Handyman, Garden maintenance contract, Window cleaning, Cleaning of communal areas, Access to communal facilities including common lounge, laundry facilities and guest bedrooms.	£3,027.60	£3,523.15	£4,053.08 (£1365.44 services)	Landlord
RAC/TD14/763 25 August 2010	4 Swan Court, George Street, Eyemouth, TD14 5JG	Modernised purpose built self contained flat circa 1980 with gas central heating and double glazing comprising two rooms, kitchenette and shower room. Services: Warden service, Out of hours alarm service, handyman/Gardner, Window cleaning, Cleaning of communal areas, Access to communal facilities Including common lounge, laundry facilities and guest bedrooms.	£3,202.80	£4,102.99	£4,510.40 (£2042.24 services)	Landlord
RAC/TD14/764 25 August 2010	7 Swan Court, George Street, Eyemouth, TD14 5JG	Modernised purpose built self contained flat circa 1980 with gas central heating and double glazing comprising two rooms, kitchenette and shower room. Services: Warden service, Out of hours alarm service, handyman/Gardner, Window cleaning, Cleaning of communal areas, Access to communal facilities including common lounge, laundry facilities and guest bedrooms.	£3,202.80	£4,102.99	£4,510.40 (£2042.24 services)	Landlord
RAC/TD14/765 25 August 2010	14 Swan Court, George Street, Eyemouth, TD14 5JG	Modernised purpose built self contained flat circa 1980 with gas central heating and double glazing comprising two rooms, kitchenette and shower room. Services: Warden service, Out of hours alarm service, Handyman/Gardner, Window cleaning, Cleaning of communal areas, Access to communal facilities including common lounge, laundry facilities and guest bedrooms.	£3,202.80	£4,102.99	£4,510.40 (£2042.24 services)	Landlord

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES (continued)						
RAC/TD14/766 25 August 2010	31 Swan Court, George Street, Eyemouth, TD14 5JG	Modernised purpose built self contained flat circa 1980 with gas central heating and double glazing comprising one room, kitchenette and shower room. Services: Warden service, Out of hours alarm service, Handyman/Gardner, Window cleaning, Cleaning of communal areas, Access to communal facilities including common lounge, laundry facilities and guest bedrooms.	£3,002.64	£3,929.26	£4,191.08 (£1911.44 services)	Landlord
RAC/TD1/767 25 August 2010	29 Abbotsford Court, Albert Place, Galashiels, TD1 3DW	Modernised purpose built self contained flat circa 1980 with gas central heating and double glazing comprising one room, kitchenette and shower room. Services: Warden service, Out of hours alarm service, Handyman, Garden maintenance contract, Window cleaning, Cleaning of communal areas, Access to communal facilities including common lounge, laundry facilities and guest bedrooms.	£2,779.56	£3,740.62	£3,992.72 (£1718.72 services)	Landlord

REFERENCE	ADDRESS	DESCRIPTION	PRESENT RENT per annum £	PROPOSED NEW RENT per annum £	PRHC RENT per annum £
ASSURED CASES					
RAC/TD5/A65 12 July 2010	6 Fairnington Farm Cottages, Maxton, Kelso, TD5 9NT	Terraced villa circa 1890 with double glazing, background heating and large gardens to front and rear comprising four rooms, dining hall, kitchen and bathroom.	£3,540.00	£5,160.00	£4,320.00
RAC/AB35/A67 23 Sep 2010	Balnacroft Cottage, The Street, Crathie, by Ballater, AB35 5TS	End terrace two storey cottage circa 1900 comprising on ground level living room, study, kitchen and bathroom. Upper level comprises two bedrooms.	£3,450.00	£6,240.00	£4,800.00

REFERENCE	ADDRESS	DESCRIPTION	PRESENT RENT per annum £	PRHC DECISION per annum £
SHORT ASSURED CASES				
RAC/IV3/S54 7 June 2010	17B Telford Road, Inverness, IV3 8HZ,	Ground floor flat in two storey property circa 1900 with gas central heating and double glazing comprising two rooms, dining kitchen and bathroom. The obligation upon the Committee under paragraph (b) above was to consider whether the rent being sought was significantly higher than the rent which the Landlord might reasonable be expected to obtain. Although the rental sought by the Landlord's agents was at the upper end of the price band there was sufficient evidence produced by the Landlord's agents that rent could be obtained at this level. Accordingly the Committee were not in a position to decide that a monthly rental of £500 was significantly higher than might reasonably be expected to be obtained and accordingly the Committee were of the view that the criteria in paragraph (b) above had not been met. Accordingly the Committee made no determination of the rent for the Property.	£5,400.00	Non-determination
RAC/FK2/S55 22 July 2010	30 Ewing Avenue, Falkirk, FK2 7LR,	Modern ground floor cottage flat with gas central heating, double glazing and gardens to rear comprising living room, two bedrooms, kitchen and bathroom. The rent currently paid by the tenant is £525 per month and the Committee considered that the rent payable under the short assured tenancy in question was not significantly higher than the rent which the Landlords might reasonably be expected to be able to obtain under the tenancy. Consequently in accordance with section 34(3) of the Act, the Committee considered that it was not appropriate to make a rent determination.	£6,300.00	Non-determination

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRING STANDARD: COMPLIED DECISIONS				
prhp/PA16/119/09	3/2, 52, Union Street, Greenock, PA16 8DR	13(1)(a,b, c&f)	7 July 2010	The Committee inspected the defects claimed and found:- a. There was evidence of historic dampness in the cupboard in the front sitting room but the wall in the cupboard was dry at the time of the inspection. b. The waste pipe under the kitchen sink was in a reasonable state of repair and proper working order. c. The bath water drained from the bath and the bath waste pipe was in a reasonable state of repair and proper working order. d. There was hot water available at the sink and bath in the bathroom and the installations for the supply of hot water in the bathroom are in a reasonable state of repair and proper working order. e. There was no smell of gas around the gas meter in the porch area, which appeared to be in a reasonable state of repair and proper working order. f. The battery operated smoke alarms in the Property were working. 9. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
prhp/AB56/46/10	33 Church Street, Portnockie, AB56 4LN	13(1)(a-d)	12 August 2010	The Committee accordingly directed the Landlord to carry out the following works:- (a) Installation of a properly vented extractor fan to the downstairs en-suite bathroom to the exterior of the building. (b) Such repairs as were required to the downpipes and gutters. (c) The repair of the en-suite WC cistern to prevent discharge of water via the overflow pipe to the exterior of the Property. The Surveyor Member subsequently carried out a reinspection of the Property on 12 August 2010 from the exterior of the Property only. The fan was now properly vented to the exterior of the Property. The conditions being dry the Surveyor Member was unable to determine whether any repairs to the downpipes and gutters had been effective. The leak of water via the overflow pipe from the en-suite WC cistern had ceased. In the circumstances, and considering that the Landlord had now placed the Property on the market for sale, the Committee were satisfied that the Property now met the repairing standard.
prhp/DG8/76/10	Garden Cottage, Cumlodan Estate, Minnigaff, DG8 6AG	13(1)(a-c, f)	25 August 2010	The issues to be determined are whether the defects claimed by the Tenants were present at the time of the inspection resulting in the Landlord failing to meet the Repairing Standard. The Committee found that all the alleged defects had been repaired. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRING STANDARD: COMPLIED DECISIONS (continued)				
prhp/G3/88/10	2/1, 78 Ferry Road, Glasgow, G3 8QX	13(1)(a)	13 August 2010	The Committee had carefully inspected the property and also heard from the tenant. The Committee could find no evidence that the property was now in a state of disrepair and the tenant indicated that she did not wish to proceed with the hearing and inspection. The decision of the Committee was unanimous to dismiss the application.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRING STANDARD: CERTIFICATE OF COMPLETIONS				
prhp/EH16/53/09	180/4 Dalkeith Road, Edinburgh EH16 5BU	13(1)(a&c)	16 August 2010	The Committee noted that:- (a) All the windows in the property had been repaired and overhauled. (b) The broken window at the rear in the back bedroom of the property had been repaired. The Committee were satisfied that all works required by the RSEO had been satisfactorily carried out. Accordingly the Committee decided to grant a Certificate of Completion.
prhp/AB25/12/10	1G Lamond Place, Aberdeen, AB25 3UT	13(1)(a,b,e)	5 July 2010	A final inspection was carried out by the Surveyor Member on 16 June 2010. There were still two very small areas of damp on the gable wall of the living room. These were very small in size (around 50mm x 50mm) and were at the higher wall level. The Committee did not consider these to be sufficient to warrant any further action. The bedroom wall and the rest of the lounge walls were now largely free of damp. There were one or two minor areas of damp within the kitchen gable wall but after discussion the Committee were satisfied that these were not sufficient to render the Property unfit in terms of the repairing standard. The Surveyor Member had again carried out an inspection of the flat roof over the living room which still showed no signs of water ingress. The Committee were aware that there were still larger works that would be required to the Property and the rest of the tenement in terms of the Serious Disrepair Notice by Aberdeen Council. However the Property itself now appeared to be free of damp and water ingress and had been properly redecorated. On that basis the Committee were satisfied on the advice of the Surveyor Member that the Property now met with the repairing standard and accordingly decided to issue a Certificate of Completion discharging the RSEO under Section 60 of the Housing (Scotland) Act 2006.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)				
prhp/DD8/13/10	Hatton Smithy Cottage, Inverarity, By Forfar, DD8 2JU	13(1)(a&b)	3 August 2010	<p>The Committee noted that:-</p> <ul style="list-style-type: none"> • The rhones and drainpipes have been replaced in places and were found to be watertight. • It was clear from an external inspection of the property that extensive works have been carried out to the land around the property. It appears that new drains have been installed around the property. • The Tenant confirmed that he had checked under the floor after a period of heavy rain and there was no sign of any water. The Tenant confirmed that he was happy that the problem had been solved. <p>The Committee was satisfied that all works required by the RSEO had been satisfactorily carried out. Accordingly, the Committee decided to grant a Certificate of Completion.</p>
prhp/DD3/27/10	80 Beaully Avenue, Dundee, DD3 ODW	13(1)(a-c,f)	30 July 2010	<p>The Committee considered and discussed the terms of the Surveyor Member's reinspection report. The Committee also took account of the fact that in the interim period the Tenants had removed from the Property. The Committee were satisfied that the Property now met with the repairing standard and accordingly determined to issue a Certificate of Completion discharging the RSEO under Section 60 of the Housing (Scotland) Act 2006.</p>