



**Certificate by Private Rented Housing Committee**

**Correcting an error in the Determination dated 21<sup>st</sup> July 2014**

**Re:**

**Flat 4, Laggary House, Pier Road, Rhu, Helensburgh, G84 8LJ Re being the subjects registered in the Land Register of Scotland under Title Number DMB23473 ('the Property')**

**The Parties:-**

**Miss Laura Docherty residing sometime at 4, Laggary House, Laggary Park, Rhu, G84 8LY('The Tenant')**

**Colin Wood residing at Invergare House, Rhu, G84 8LL ('The Landlord')**

**In terms of Rule 16 of the Private Rented Housing Panel (Applications and Determinations)(Scotland) Regulations 2007, I certify that the Landlord's address in the preamble of the Determination was incorrect as his previous address was stated. The Landlord's address should be: Invergare House, Rhu, G84 8LL.**

**Jacqueline Taylor**

Signed .....  
Chairperson

..... Date 7<sup>th</sup> August 2014



## **Determination by Private Rented Housing Committee**

### **Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006**

**Flat 4, Laggary House, Pier Road, Rhu, Helensburgh, G84 8LJ Re being the subjects registered in the Land Register of Scotland under Title Number DMB23473 ('the Property')**

**The Parties:-**

**Miss Laura Docherty residing sometime at 4, Laggary House, Laggary Park, Rhu, G84 8LY('The Tenant')**

**Colin Wood residing at Invergare House, Rhu, G84 8LL ('The Landlord')**

#### **Decision**

**The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the Property, determined that the Landlord has NOT failed to comply with the duty imposed by Section 14 (1)(b) of the Act.**

#### **Background**

1. By application dated 16<sup>th</sup> October 2013 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Act.
2. The application by the Tenant stated that she considered that the Landlord had failed to comply with his duty to ensure that the Property meets the repairing standard. He advised that the structure and exterior of the Property was not in a reasonable state of repair and proper working order.

In particular the application stated that the nature of the work which she considered required to be done was:-

- 2.1 Lino for small shower room- existing carpet wet tiles cracked underneath.
- 2.2 Broken slates on fire place.
- 2.3 Cellar room to be emptied as tenant's property in communal hallway of cellar.
- 2.4 External windows the paint is flaked leaving bare wood needs painted.
- 2.5 Washing machine leaking.
- 2.6 Sink in shower room needs silicon taps loose and plug broken.
- 2.7 Three holes above sink in laundry cupboard which need to be filled.

- 2.8 Sash cords for various windows around house.
- 2.9 Wall light in hall -loose wiring.
- 2.10 Code alarm required.
- 2.11 New thermostat for Brad's radiator as there is no heating in room.
- 2.12 Extractor fan in bathroom.
- 2.13 Cupboards broken in Brad's room.
- 2.14 Bathroom suite too small for family can't fit into bath.
- 2.15 No hot water in bathroom.
- 2.16 Shower screen too high on wall.
- 2.17 Cistern switch in bathroom jamming and coming out.
- 2.18 Grill not working.
- 2.19 New filter required for cooker hood.
- 2.20 Kitchen tap jamming and dripping.
- 2.21 Office carpet badly stained and needs to be replaced.
- 2.22 Satellite dish not working and tv aerials not working jammed in windows/ parts missing.
- 2.23 Holes drilled for tv aerials as currently jammed in windows.
- 2.24 Bathroom walls need plastered and decorated.
- 2.25 Zara's room needs decorated as there are plaster marks on wall.
- 2.26 Brad's room needs to be decorated walls marked dented and has neon paint in areas.
- 2.27 Brad's room damp spot to be painted.
- 2.28 Wall marked and paintwork chipped various areas in the house need painted.
- 2.28 Carpets really dirty torn and small foul.
- 2.29 Kitchen needs painted walls and radiator marked and stained.
- 2.30 Alarm needs resetting.
- 2.31 In connection with the kitchen units the pelmet has been taped and door screws need tightening.
- 2.32 Need stronger magnets or lock for the eves' door as door falls off.
- 2.33 Door entry system not working constant buzz.

2.34 Cooker switch trips.

2.35 Bath handle loose.

2.36 Mushrooms growing on the wall and alongside of bath in main bathroom.

2.37 Cannot use open fire in living room as gas pipe has been discovered and fire surround is not fitted properly.

2.38 TV aerial on roof fitted onto chimney with an internal bracket.

2.39 Cellar flooded ruining tenant's contents which should have been in correct location.

2.40 Kitchen lino torn and filthy.

2.41 Main bathroom lino torn and filthy.

2.42 Bathroom- damp smell- bath panel off- skirting board needs replaced- unable to use shower- shower screen has not been fitted properly.

3. The President of the Private Rented Housing Panel, having considered the application, referred the application under Section 22 (1) of the Act to a Private Rented Housing Committee. The Committee members were Jacqui Taylor (Chairperson), Andrew Taylor (Surveyor Member) and Mary Lyden (Housing Member).
4. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant, dated 12th March 2014.
5. The Committee attended at the Property on 18<sup>th</sup> July 2014. The Landlord was present at the inspection. The Tenant had previously vacated the property and was not present.

The Committee inspected the alleged defects and found as follows:-

5.1 Lino for small shower room- existing carpet wet tiles cracked underneath.  
The Lino was in good condition.

5.2 Broken slates on fire place.  
One slate of the decorative fireplace was chipped but the Committee did not consider this to be material.

5.3 Cellar room to be emptied as tenant's property in communal hallway of cellar.  
As the Tenant had vacated the Property this item is no longer relevant.

5.4 External windows the paint is flaked leaving bare wood needs painted.  
There was some evidence of flaking paint but there was no evidence of the window frame being rotten. The Committee accepted that the window frames were in a reasonable state of repair.

5.5 Washing machine leaking.  
There was no evidence of the washing machine leaking.

5.6 Sink in shower room needs silicon taps loose and plug broken.  
The taps were secure and the plug was in good condition.

5.7 Three holes above sink in laundry cupboard which need to be filled.

There were three holes in the plaster above the radiator within the laundry cupboard. The Committee did not consider this to be material.

5.8 Sash cords for various windows around house.

There was no evidence that the sash cords were defective.

5.9 Wall light in hall -loose wiring.

There was no evidence of the wiring of the hall lights being loose.

5.10 Code alarm required.

The Landlord advised that the security alarm was not activated.

5.11 New thermostat for Brad's radiator as there is no heating in room.

The Landlord turned on the central heating and the Committee confirmed that the radiator and the radiator thermostat were in working order.

5.12 Extractor fan in bathroom.

There was no extractor fan in the bathroom. The Committee confirmed that the absence of an extractor fan was not a breach of the repairing standard.

5.13 Cupboards broken in Brad's room.

The cupboards were in proper working order.

5.14 Bathroom suite too small for family can't fit into bath.

The bathroom suite was a standard size.

5.15 No hot water in bathroom.

The surveyor member of the Committee turned on the taps and confirmed that there was hot water.

5.16 Shower screen too high on wall.

The shower screen was attached to the wall and was in proper working order.

5.17 Cistern switch in bathroom jamming and coming out.

The cistern switch was in proper working order.

5.18 Grill not working.

The grill was in proper working order.

5.19 New filter required for cooker hood.

The Landlord advised that he had changed the filter. The Committee operated the cooker hood and confirmed that it was in proper working order.

5.20 Kitchen tap jamming and dripping.

The kitchen tap was in proper working order.

5.21 Office carpet badly stained and needs to be replaced.

The office carpet was slightly stained but the Committee considered it to be in a reasonable state of repair.

5.22 Satellite dish not working and tv aerials not working jammed in windows/ parts missing, and;

5.23 Holes drilled for tv aerials as currently jammed in windows.

There were no televisions in the Property and therefore the Committee were unable to test the satellite dish or tv aerials. However that Landlord advised that the TV aerial cables had been cut during the tenancy. The Landlord advised that he does not intend to re-let the Property and the Committee therefore accepted the position.

5.24 Bathroom walls need plastered and decorated.

The bathroom walls were in good condition.

5.25 Zara's room needs decorated as there are plaster marks on wall.

The walls were in good condition.

5.26 Brad's room needs to be decorated walls marked dented and has neon paint in areas.

The walls were in good condition.

5.27 Brad's room damp spot to be painted.

There was no evidence of dampness.

5.28 Wall marked and paintwork chipped various areas in the house need painted.

There was no evidence of marked walls or chipped paintwork.

5.28 Carpets really dirty torn and small foul.

The carpets throughout the Property were in a good state of repair.

5.29 Kitchen needs painted walls and radiator marked and stained.

The paintwork in the kitchen was in a good condition.

5.30 Alarm needs resetting.

As previously stated the Landlord advised that the security alarm was not activated.

5.31 In connection with the kitchen units the pelmet has been taped and door screws need tightening.

There was a small piece of duct tape attached to one section of pelmet. The Committee considered that this did not result in the pelmet not being in a reasonable state of repair. The door screws were secure.

5.32 Need stronger magnets or lock for the eves' door as door falls off.

The eves' door was secure.

5.33 Door entry system not working constant buzz.

The door entry system was in proper working order.

5.34 Cooker switch trips.

The cooker switch was turned on and did not trip.

5.35 Bath handle loose.

The bath handle was secure.

5.36 Mushrooms growing on the wall and alongside of bath in main bathroom.

There was no evidence of mushrooms growing in the bathroom.

5.37 Cannot use open fire in living room as gas pipe has been discovered and fire surround is not fitted properly.

The Landlord advised that the fireplace in the lounge was decorative.

5.38 TV aerial on roof fitted onto chimney with an internal bracket.

The Committee were unable to inspect the tv aerial.

5.39 Cellar flooded ruining tenant's contents which should have been in correct location.

The Committee inspected the cellar and found no evidence of flooding.

5.40 Kitchen lino torn and filthy.

The kitchen lino was in good condition.

5.41 Main bathroom lino torn and filthy.

The bathroom lino was in good condition.

5.42 Bathroom- damp smell- bath panel off- skirting board needs replaced- unable to use shower- shower screen has not been fitted properly.

There was no evidence of dampness in the bathroom, the skirting board was in a good state of repair and the shower screen had been fitted properly.

6. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Ardencaple Hotel, Shore Road, Rhu, G84 8LA. The Landlord attended the hearing. The Tenant did not attend.

The Committee advised the Landlord that they had found no evidence at the inspection to support the Tenant's application. They acknowledged that a number of repairs had been carried out to the Property and they confirmed that the items listed in the Tenant's application complied with the Repairing Standard.

**Decision**

7. The Committee accordingly determined that the Landlord had NOT failed to comply with the duties imposed by Sections 13 and 14 of the Act, as stated.
8. The decision of the Committee was unanimous.

**Right of Appeal**

9. A landlord or tenant aggrieved by the decision of the Private Rented Housing committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

**Effect of section 63**

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

Jacqueline Taylor

Signed ...  
Chairperson



.. Date 21st July 2014