



## **Statement of decision of the Private Rented Housing Committee under Section 26 (2) of the Housing (Scotland) Act 2006**

prhp Ref: PRHP/RP/13/0081

Re : Property at Flat 3/L, 15 Union Place, Dundee DD2 1AA ("the Property")

The Parties:-

Peng Ao, sometime residing at Flat 3/L, 15 Union Place, Dundee DD2 1AA ("the Tenant"); and

Springfield Properties Limited, incorporated under the Companies Acts and having their Registered Office at 2 India Buildings, 86 Bell Street, Dundee ("the Landlord")

### **Decision**

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has carried out the works required by the Repairing Standard Enforcement Order in respect of the Property made on 27 February 2014 and has complied with the duty imposed by Section 14 (1)(b) in relation to the house concerned, determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act and had failed to carry out the works required by the Repairing Standard Enforcement Order made by the Committee on 27 February 2014 .

### **Background**

1. By application dated 26 August 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 Housing (Scotland) Act 2006 ("the Act").
2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that the house is wind and water tight and otherwise fit for human habitation,
3. By letter dated 4 October 2013 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
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.
5. Following service of the Notice of Referral, neither party made written representations to the Committee.
6. The Committee inspected the Property on the morning of 27 February 2014. Neither the Landlord nor the Tenant was present or represented during the inspection. The Committee comprised George Clark (Chair), David Godfrey (Surveyor) and Michael Scott (Housing member)
7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Douglas Community Centre, Balmoral Avenue, Dundee. Neither the landlord nor the Tenant was present or represented at the hearing.

8. The condition of the ceiling and cornice and the clear evidence of damp staining and rot in the area of the bedroom window of the Property were sufficient evidence to enable the Committee to conclude that the Property was not wind and watertight and did not, therefore, meet the repairing standard. For that reason, the Committee determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act and proceeded to make a Repairing Standard Enforcement Order as required by Section 24(1) of the Act.
9. The Repairing Standard Enforcement Order required the Landlord:-
  - (a) to instruct a builder to investigate the cause of the dampness in the bedroom of the Property;
  - (b) thereafter to carry out such remedial works as are necessary to make the Property wind and water tight;
  - (c) to instruct a timber specialist to investigate and to treat or, if necessary, replace all rotted timber in the window lining boards and floor of the bedroom of the Property and to make good all damage to the woodwork and paintwork;
  - (d) to exhibit to the Committee the timber specialist's Specification, Estimate and Guarantee in respect of the works carried out; and
  - (e) to instruct a builder to reinstate the ceiling cornice and any damaged plasterwork and to redecorate as necessary.
10. The Surveyor member of the Committee re-inspected the Property on 30 April 2014. His report to the Committee stated that the cause of the dampness in the bedroom appeared to have been attended to. The ceiling was understood to have been replaced several weeks prior to the re-inspection and there was no evidence of subsequent water penetration. It was raining at the time of the re-inspection, but there were no signs of spillage or leakage from the front rhones. The ceiling in the bedroom had been partly replastered, the inner face of the external wall had been replastered and the window lining boards had been removed. The timber specialist's specification, estimate and guarantee in respect of the works had not, however, been exhibited, the light fitting and the cornice had not been reinstated and the skirting board along the inside face of the exterior wall did not match the remaining original skirting. The re-inspection report was sent to the Landlord, who was invited to comment on it, but no comments were received.

#### **Decision**

11. The Committee considered the re-inspection report and concluded that the Landlord has failed to comply with the Repairing Standard Enforcement Order and, as required by Section 26(2) of the Act, decided to serve notice of the failure on the local authority.
12. The decision of the Committee was unanimous.

#### **Right of Appeal**

13. **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**

14. 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.

Signed ..... **George Clark** ..... Date 15 September 2014.  
 Chairperson 