



A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

prhp Ref: prhp/rp13/0010

Re : Property at Flat 3/L, 11 Pitfour Street, Dundee, DD2 2NU ("the Property")

Title Number: ANG2984

The Parties:-

Christus Vassis, formerly of Flat 3/L, 11 Pitfour Street, Dundee, DD2 2NU ("the Tenant")

Dr J A Khan and Mrs Farhat Khan, 107 Cedar Drive, Perth, PH1 1RW ("the Landlord")

NOTICE TO

Dr J A Khan and Mrs Farhat Khan, 107 Cedar Drive, Perth, PH1 1RW ("the Landlord")

Whereas in terms of their decision dated 30 August 2013, The Private Rented Housing Committee having determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular that the Landlord has failed to comply with the duty to ensure:- that the house is wind and water tight and in all other respects reasonably fit for human habitation, that the structure and the exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order, and that the installations in the house for the supply of water, gas and electricity and for sanitation and space heating and heating water are in a reasonable state of repair and in proper working order;

The Private Rented Housing Committee now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the property concerned meets the Repairing Standard and that any damage caused by the carrying out of any of the work in terms of this Order is made good.

In particular, the Private Rented Housing Committee requires the Landlord to:-

1. Inspect the roof, roof space and rain water goods and thereafter carry out any necessary repairs to ensure that they are in a proper state of

repair and in proper working order and that the property is wind and water tight.

2. Strip back where necessary, and make good all damaged plasterwork and plasterboard in the bedroom and kitchen.
3. Investigate the cause of damage to the work surface behind the taps at the kitchen sink and ensure that they are in a proper state of repair and in proper working order.
4. Repair/replace the kitchen work surface around the kitchen sink area.
5. Replace malfunctioning socket in the kitchen wall to ensure that it is in a reasonable state of repair and in proper working order.

The Private Rented Housing Committee orders that the work specified in this Order should be carried out within a period of 3 months from the date of service of this notice.

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

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

In witness whereof these presents type written on this and the preceding page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 30th August 2013 before this witness:-

J Lea

.....
Chairman

M Smith

.....
Witness

Maxine Smith
Unit 3.5, The Granary Business Centre
Coal Road
Cupar
Fife



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

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Dr J A Khan and Mrs Farhat Khan, 107 Cedar Drive, Perth, PH1 1RW ("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) in relation to the house concerned, and taking account of the evidence led by the Landlord at the hearing and the written submissions from both the Landlord and the Tenant, determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 13 May 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 the duty to ensure that the house is wind and water tight and in all other respects reasonably fit for human habitation, that the structure and the exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order, and that the installations in the house for the supply of water, gas and electricity and for sanitation and space heating and heating water are in a reasonable state of repair and in proper working order.
3. 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. An inspection was scheduled for 22 July 2013. The Landlord requested that the hearing be adjourned due to long term illness making it impossible for them to attend on the date. The Committee asked for a soul and conscience medical certificate from the Landlord's doctor and this was provided. The Committee accordingly agreed to adjourn the inspection and hearing and a fresh inspection and hearing were fixed for 26 August 2013.
6. The Tenant wrote a letter on 5 August 2013 advising that he had left the property as at Monday 5 August 2013 and stating that the repairs were still outstanding.

7. The Private Rented Housing Committee, comprising Judith Lea, Chairman and Legal Member; Geraldine Wooley, Surveyor Member; and Michael Scott, Housing Member, inspected the Property on 26 August 2013. The Landlord was present at the inspection.
8. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Douglas Community Centre, Balmoral Avenue, Dundee. The Landlord was in attendance.
9. The Committee heard submissions from both Mr and Mrs Khan who acknowledged that repairs required to be carried out to the property. Mrs Khan confirmed that the repairs would be carried before the property was either sold or re-let. Mrs Khan pointed out that roof works were done in October 2012 but there still seemed to be a problem with water ingress in the bedroom closet. The Landlord confirmed that they would deal with the issues as soon as possible but requested that they be given a realistic timescale for doing any work due to the difficulty in getting tradesmen.

Decision

10. The Tenant had sent in a disc allegedly containing video evidence showing dripping water. Having inspected the property and given that the Landlord did not dispute that there was still water ingress at the property, the Committee did not consider it appropriate to view the disc as the Tenant has in any event vacated the property.

Mould in the Bedroom Closet

11. It was clear from inspection that the closet in the bedroom was very damp and the plaster was decayed and missing. The Landlord's view was that there was still a leak with water seeping in from outside where the downpipe had come away from the wall. The Committee consider that this is clearly a breach of Section 13(1)(a) and (b) of the Act and proceeded to make an order. Once the repairs have been carried out to prevent water ingress, the plaster will in some areas require to be stripped back and made good but the property will need time to dry out before it can be re-plastered.
12. External inspection of the property confirmed that there had been a recent repair to the concrete fillet between the roof and the party wall above the bedroom closet, which should have resolved the main problem of water ingress. However it was noted that the downpipe below this point was misaligned with the rainwater hopper, and the surrounding stonework was stained, indicating continuing damp problems in the area of the closet.

Hole in Plasterboard above the Bedroom Window

13. It was clear from inspection that there was still a hole in the plasterboard. There was no evidence of any continued water ingress. The plasterboard however should be made good at the same time as the other plasterwork is being carried out.

Hole in the Ceiling in the Kitchen area

14. It was apparent from inspection that there was a small hole in the kitchen ceiling and it appeared that water was still dripping through this. The area around the hole appeared to be dry and there was no evidence of significant damp. The Committee however considered that a leak through the kitchen ceiling was a breach of Section 13(1)(a). The Committee accordingly proceeded to make an order.

Dripping Sink

15. On inspection there was no water evidently leaking from the tap but it was clear from the state of the work surface behind the taps that there must be an on going problem. The work surface is rotten and unhygienic in its present state. The Committee considered this a breach of Section 13(1)(c) of the Act and proceeded to make an order.

Carpet

16. The Tenant mentioned that the Landlord had not changed the carpets in the property. The carpets were not particularly new or clean but were not worn so as to cause any trip

hazard and the Committee did not consider that there was any breach of the Repairing Standard.

Plug Socket in the Kitchen

17. It was clear from inspection that one of the sockets in the kitchen is not currently working. This is accordingly a breach of Section 13(1)(c) of the Act and the Committee made an order in respect of this matter.
18. As the property is not currently occupied, given the difficulties identified by the Landlord in obtaining tradesmen to carry out the necessary work and given that the damp in the closet will take time to dry out, the Committee considered it reasonable to allow the Landlord a period of three months to comply with the Order. The Landlord will be unable to rent the property while the Repairing Standard Enforcement Order is in force but if the work is completed prior to the expiry of the three month period, the Landlord can request a Certificate of Completion.
19. The decision of the Committee was unanimous.

Right of Appeal

20. **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

21. 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 **J Lea** Date 30/8/13

Chairperson