



Notice of a decision to Vary
Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

Ref: PRHP/RP/13/0021

Re property at: 275 Southbrae Drive, Jordanhill, Glasgow, G13 1TR , being the subjects registered in the Land Register of Scotland under Title Number GLA185045 ("the Property")

The Parties:-

Mr Iqbal Sheikh, residing at 275 Southbrae Drive, Jordanhill, Glasgow, G13 1TR ("the tenant")

And

Mr Vikas Sud and Mrs Shamly Sud, residing at Belmont House, 198 Nithsdale Road, Pollokshields, Glasgow, G41 5EU ("the landlords")

NOTICE TO Mr Vikas Sud and Mrs Shamly Sud, residing at Belmont House, 198 Nithsdale Road, Pollokshields, Glasgow, G41 5EU

The Private Rented Housing Committee issued a Repairing Standard Enforcement Order ("RSEO") dated 4th September in respect of the Property.

The Private Rented Housing Committee, determined on 3 February 2014 that the **Repairing Standard Enforcement Order** relative to the Property dated 4 September 2013 should be varied.

The said **Repairing Standard Enforcement Order is hereby varied** with effect from the date of service of this Notice in the following respect:-

The period allowed for the completion of the outstanding works in respect of the following matters:-

- To instruct an appropriate independent expert to attend at the property and to ascertain the cause of the mould and condensation within the living room and front bedroom and to ensure that any recommendations in the report produced by the expert are implemented
- to remove the fallen tree in the back garden.

Is extended by a period of 28 days 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 James Bauld, Solicitor, 7 West George Street, Glasgow, G2 1BA, chairperson of the Private Rented Housing Committee at Glasgow on 3 February 2014 before this witness:-

J Bauld

Signed
James Bauld, Chairperson

G Williams

..... Witness

SENIOR COURT ADMINISTRATOR.

7 West George Street, Glasgow, G2 1BA



Determination by Private Rented Housing Committee

Statement of Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 25(1) of the Housing (Scotland) Act 2006

Case Reference Number: PRHP/RP/13/0021

Re:- Property at 275 Southbrae Drive, Jordanhill, Glasgow, G13 1TR ("**the property**")

LAND REGISTER NO: GLA185045

The Parties:-

Mr Iqbal Sheikh, residing at 275 Southbrae Drive, Jordanhill, Glasgow, G13 1TR ("**the tenant**")

And

Mr Vikas Sud and Mrs Shamly Sud, residing at Belmont House, 198 Nithsdale Road, Pollokshields, Glasgow, G41 5EU ("**the landlords**")

The Committee comprised:-

Mr James Bauld	- Chairperson
Mr Michael Links	- Surveyor member
Mr Chris Harvey	- Housing member

Background:-

1. On 4th September 2013 the Committee issued a determination which decided that the landlord had failed to comply with the duties imposed by Section 14(1) of the Housing (Scotland) Act 2006 ("the 2006 Act). On the same date the Committee issued a repairing standard enforcement Order (RSEO in respect of the property.
2. The RSEO made by the Committee required the Landlord to carryout such works as were necessary to:-

- (1) instruct an appropriate independent expert to attend the property and to ascertain the causes of the mould and condensation within the living room and front bedroom and to ensure that any recommendations in the report which were produced by the expert were implemented
 - (2) to repair and/or replace all kitchen unit doors.
 - (3) To repair and/or replace the shower to restore it to a state of being in proper working order and in a reasonable state of repair.
 - (4) To remove the fallen tree in the back garden.
3. The Committee ordered that the works specified in the RSEO be carried out and completed within 42 days from the date of the order. The RSEO was effectively served on the landlord.
4. On 30th October 2013 further inspection of the property was carried out to ascertain whether the repairs required by the RSEO had been completed. The inspection was carried out by the surveyor member of the Committee.
5. During the inspection of the property it was apparent that not all works required had been completed. A re-inspection report was prepared by the surveyor member of the Committee Mr Michael Links.
6. A copy of the re-inspection report was then sent to both the landlord and the tenant. Each of the parties replied to the PRHP Offices. The tenant in his response indicated that he did not believe that all works had been completed and that repairs that had been attempted were of a poor standard and many repairs were still outstanding. The tenant asked that the Committee make a rent relief order.
7. The Landlords in their response indicated that in their view they had done everything asked in terms of the RSEO and that no repairs were outstanding.
8. The Committee accordingly reconvened on 7th January 2014. The Committee considered carefully the terms of the re-inspection report together with the responses from the parties. The Committee determined that in respect of two of the items required in terms of the RSEO that the works had been completed. These were in respect of the works to repair and or replace the kitchen unit doors and the works required to repair and or replace the shower. The Committee agreed that these works had been completed as required in terms of the RSEO.
9. The Committee however determined that the other works had not been completed.
10. The Committee noted that the landlord was required to instruct an appropriate independent expert to attend at the property to ascertain the causes of mould and condensation and to make recommendations. The landlord was instructed in terms of the RSEO to ensure that any recommendations in the report were implemented.
11. The Committee noted that in their response to the re-inspection report the landlords produced a copy of a letter dated 3rd October 2013 which bore to be from Mr David Boyd of Advanced Preservation Specialists Limited. This letter had not been produced to the Committee prior to the re-inspection on 30th October.
12. The Committee noted that in the letter from Mr Boyd the cause of the significant black spotting the walls and ceilings was assumed to be the result of cold spotting between the downstairs ceiling line and the upstairs roof void where areas of insulation may not have been properly overlaid. The report suggested four recommendations. The recommendations were that

- (1) A professional contractor inspects and introduces insulation where necessary to remove the cold spotting.
 - (2) A constant even only moderate temperature be maintained within the property.
 - (3) The use of a dehumidifier.
 - (4) The use of extractor fans within the bathroom.
13. The Committee noted that of these four recommendations only one appeared to have been implemented by the landlords. A dehumidifier had been introduced to the property. There was no evidence that the landlord had implemented any of the other 3 recommendations. The Committee accordingly took the view that the landlord had not complied with the requirement in the RSEO to instruct an independent expert and to ensure that any recommendations in the report are implemented.
14. The Committee also noted that the RSEO required the landlord to "remove the fallen tree in the back garden". The Committee noted that at the time of re-inspection the fallen tree had not been removed from the back garden. In their response to the re-inspection report the landlords confirmed that the tree had been "placed with the other logs at the boundary". The Committee took the view that this did not meet the terms of the RSEO which required the tree to be removed.
15. Accordingly the Committee decided in terms of the powers under Section 25 of the 2006 Act to vary the repairing standard enforcement which had been previously made.
16. The Committee determined that two of the four elements in the RSEO had been completed. The Committee decided that two of the four elements of the RSEO had not been completed. The Committee decided that the RSEO should be varied to allow the landlords a further period of four weeks to arrange for the outstanding works to be done, namely for the recommendations in the independent expert report to be implemented and for the fallen tree to be removed from the garden.

Decision:-

1. The Committee, having made such enquires they saw fit for the purposes of determining whether the landlord had complied with the RSEO in relation to the property concerned and taking full account of all the evidence obtained at the re-inspection and from the responses from the landlord and the tenant, determined to exercise the powers in terms of Section 25 of the 2006 Act to vary the Repairing Standard Enforcement Order.
2. The Committee proceed to make their variation to the RSEO.
3. The decision of the Committee was unanimous.

Rights of Appeal

5. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
6. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

Effects of Section 63

7. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.
8. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed..... **J Bauld**

Date..... **3 February 2014**

James Bauld, Chairperson

Signature of Witness..... **G Williams**

Date..... **3 / 2 / 14**

Name: **GILLIAN WILLIAMS**

Address: **7 West George Street, Glasgow, G2 1BA**

Designation: **SENIOR COURT ADMINISTRATOR.**