



Determination by Private Rented Housing Committee

**Statement of decision of the Private Rented Housing Committee under Section 26 (1)
of the Housing (Scotland) Act 2006**

Reference Number: PRHP/RT/16/0184

Re: Property at 192 Deanswood Park, Livingston, EH54 8QG ("the Property ")

The Parties:-

Miss Roseanne Docherty ("the Tenant")

**Ms. Tara McLaren, Homeless Prevention Team, West Lothian Council, Civic Centre,
Howden Road South, Livingston, EH54 6FF ("the Third Party")**

**Mr. Anwar Al-Huq, 7 Fulmar Brae, Livingston, West Lothian, EH54 6UY ("the
Landlord")**

The Committee comprised:-

Patricia Anne Pryce	-	Chairperson
Charles Reid Thomas	-	Surveyor Member

Background

1. On 16 July 2016, the Private Rented Housing Committee ("the Committee") issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the 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:-
 - (a) To investigate and repair the leak of water from the bath and to make good the decoration of the ceiling in the living room thereafter.
 - (b) To repair or replace all of the doors of the cupboards in the kitchen.

- (c) To redecorate the master bedroom.”
3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within 28 days of the date of service of the Notice, that is, by 18 August 2016.
 4. On 20 September 2016, the surveyor member of the Committee which issued the RSEO attended at the property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. He found that none of the works specified in the RSEO had been carried out and that the said specified works had not been completed and the property remained in the same condition as when initially inspected by the Committee.
 5. A copy of the re-inspection report of the surveyor member was sent to the Landlord, Third Party and Tenant. The Landlord did not respond to the said report. The Third Party replied that the leak in the bath had now been fixed but none of the other works had been carried out. The Third Party requested a further hearing and for a Rent Relief Order (an “RRO”) of 70% to be considered. The Tenant replied advising that she did not wish another hearing but wished the Committee to consider an RRO of 50%.
 6. The Committee attended for a further inspection of the property at 10 am on 17 November 2016 and a further hearing was arranged for the same date at 11.30 am within in Howden Park Centre, Howden, Livingston, West Lothian, EH54 6AE. The Tenant provided the Committee access to the property. The Landlord was not present nor represented at the inspection. The Third Party was not present nor represented at the inspection. The Committee found that the leak in the bath had been fixed but that the decoration in the living room had not been made good. The Committee also found that no attempt had been made to repair the kitchen at all. The Committee noted that no redecoration had been carried out to the master bedroom and that, of more concern, there appeared to be fresh water ingress in the ceiling of the master bedroom.
 7. None of the parties attended at the hearing on 17 November 2016.

Decision

8. The Committee notes that only the leak from the bath had been attended to out of all of the works in terms of the RSEO. However, the Committee notes that the rest of the issues remain outstanding in terms of the RSEO.
9. The Committee takes the view that the Landlord has had ample time to carry out the remaining works and that the Landlord has not made any contact with the Committee in terms of the RSEO.

10. Accordingly, the Committee takes the view that the Landlord's failure to implement all of the works amounted to a breach of the RSEO. In accordance with the relevant provisions of Section 26 of the 2006 Act, the Committee required to determine whether an RRO should be made.
11. The Committee took the view that the works required by the RSEO had been outstanding for well over four months. The Committee took the view that these works could have easily been completed in that period of time. The Committee noted that the Tenant had not heard from the Landlord. Furthermore, the Committee noted that the Landlord had done nothing further to gain access to the property in order to have this work carried out. The Committee took the view that the failure to carry out the works was having an impact on the Tenant's ability to fully enjoy the property.
12. In all the circumstances, the Committee determined that they would make a Rent Relief Order. The Committee took the view that the appropriate proportion of rent which should be subject to the RRO was 70% of the monthly rent of £650, namely, £455 per month. The Committee accordingly determined to make an RRO in those terms.
13. The decision of the Committee is unanimous.

Rights of Appeal

14. 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.
15. 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

16. 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.

17. 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

Date 17 November 2016

Patricia Anne Pryce, Chairperson



Rent Relief Order

Ordered by the Private Rented Housing Committee

Reference Number: PRHP/RT/16/0184

Re: Property known as ALL and WHOLE the property known as and forming 192 Deanswood Park, Livingston, EH54 8QG, part of 7.146 hectares (part of farm and lands of WESTER DECHMONT) all as more particularly described in the Deed of Declaration of Conditions by Livingston Development Corporation recorded in the General Register of Sasines for the County of West Lothian on 29 December 1980 and more particularly described in the Feu Contract containing Feu Disposition by Livingston Development Corporation in favour of Christopher Brown and Janetta Anne Morris dated 29 June 1987 and 5 January 1988 (hereinafter referred to as “the property”)

The Parties:-

Miss Roseanne Docherty (“the Tenant”)

Ms. Tara McLaren, Homeless Prevention Team, West Lothian Council, Civic Centre, Howden Road South, Livingston, EH54 6FF (“the Third Party”)

Mr. Anwar Al-Huq, 7 Fulmar Brae, Livingston, West Lothian, EH54 6UY (“the Landlord”)

NOTICE TO:

Mr. Anwar Al-Huq, 7 Fulmar Brae, Livingston, West Lothian, EH54 6UY (“the Landlord”)

In terms of their decision dated 16 July 2016, the Private Rented Housing Committee (“the Committee”) determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (“the Act”) that the Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the property made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the property by an amount

of 70% of the monthly rent (being £455 per calendar month of the current monthly rent of £650) which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under Section 64 of the said Act.

A landlord or a 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.

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. Where the appeal is abandoned or finally determined by confirming the decision, the Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

Signed

Date 17 November 2016

Patricia Anne Pryce, Chairperson

Private Rented Housing Committee