



**Certificate of completion of work issued by the Private Rented Housing Committee
under Section 60 of the Housing (Scotland) Act 2006**

Ref prhp/rp/14/0179

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 by Ms Maya Hoffman residing at 17, Barclay Square, Renfrew, PA4 8DZ formerly the Tenant of the Property against R & J Properties having a place of business at 65, Causeyside Street, Paisley, PA1 1YT ("the Landlords")

Re: 17 Barclay Square, Renfrew, PA4 8DZ being the subjects registered in the Land Register for Scotland under Title Number REN42294 ("the Property")

Committee Members

Karen Moore (Chairperson)

Andrew Taylor (Surveyor Member)

Colin Campbell (Housing Member), ("the Committee")

Certificate of Completion

Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order dated 28 January 2015 in respect of the Property has been completed. Accordingly, the said Repairing Standard Enforcement Order has been discharged.

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.

In witness whereof :-these presents typewritten on this page are executed by Karen Moore, Solicitor, Glasgow, Chairperson of the Private Rented Housing Committee at Glasgow on 4 November 2016 before this witness Norman William Moore, Solicitor, Dunnswood House, 10 Dunnswood Road, Cumbernauld, G67 3EN

N.W. MOORE

Witness

K. MOORE



Determination by Private Rented Housing Committee

Statement of Decision of the Private Rented Housing Committee issued under

Section 24(1) of the Housing (Scotland) Act 2006

Ref prhp/rp/14/0179

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 by Ms Maya Hoffman residing at 17, Barclay Square, Renfrew, PA4 8DZ formerly the Tenant of the Property against R & J Properties having a place of business at 65, Causeyside Street, Paisley, PA1 1TY ("the Landlords")

Re: 17 Barclay Square, Renfrew, PA4 8DZ being the subjects registered in the Land Register for Scotland under Title Number REN42294 ("the Property")

Committee Members

Karen Moore (Chairperson)

Andrew Taylor (Surveyor Member)

Colin Campbell (Housing Member), ("the Committee")

This Decision should be read in conjunction with:-

- i) Decision in respect of the Property dated 28 January 2015;
- ii) Repairing Standard Enforcement Order in respect of the Property dated 28 January 2015;
- iii) Failure to Comply Certificate in respect of the RSEO dated 11 August 2015;
- iv) Rent Relief Order dated 11 August 2015;
- v) Decision dated 18 August 2016

Factual Position

1. By application dated 18 July 2014 and signed by Ms Maya Hoffman, ("the Application"), Renfrewshire Citizens' Advice Bureau applied to the Private Rented Housing Panel for a determination that the Landlords had failed to comply with the duty imposed on them by Section 14 (1) (b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Sections 13 (1) (a) of the Act. The president of the Private Rented Housing Panel, having considered

the application, intimated to the parties by Notice of Referral dated 25 August 2014 a decision under Section 23 (1) of the Act to refer the Application to a Private Rented Housing Committee and fixed an Inspection and Hearing for 19 December 2014 at 10.00 a.m. and 11.30 a.m., respectively.

2. By letters sent to the committee, at that time comprising Karen Moore, Alexander Carmichael, Surveyor Member, and Colin Campbell, ("the First Committee") on 17 and 18 December 2014, Renfrewshire Citizens' Advice Bureau confirmed to the First Committee that they had contacted the Tenant who instructed them as her agent that she wished to withdraw her application as the dampness had been treated, and so, she considered that the matter complained of in the Application had been remedied by the Landlords. The First Committee gave consideration to the Tenant's withdrawal of the Application and took the view that there was sufficient concern that the matters complained of might not have been fully resolved to meet the Repairing Standard as required by the Act. Accordingly, the First Committee continued with the proceedings in terms of paragraph 7(3)(b) of Schedule 2 to the Act .

3. An Inspection and Hearing took place on 19 December 2014 at 10.00 a.m. and 11.30 a.m., respectively, following which the First Committee found that the Landlords had failed to comply with the duty imposed by Section 14 (1) (b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Section 13 (1) (a) and Section 13 (1) (f) of the Act and imposed a Repairing Standard Enforcement Order ("RSEO"). The First Committee subsequently issued a Failure to Comply Certificate and imposed a Rent Relief Order.

4. The Surveyor Member of the First Committee resigned from the First Committee and Mr. Andrew Taylor was appointed as Surveyor Member.

5. On 17 May 2016, the Landlords intimated in writing to the Committee that the works required by the RSEO had been completed by submitting photographs of the refurbishment of the Property and a Home Report dated 16 May 2016. The Committee, taking account of the proceedings to date and having regard to the fact that the Report required by the RSEO had not been submitted by the Landlords, determined that a further Inspection and Hearing should take place, and, accordingly an Inspection and Hearing were fixed for 3 August 2016 at 10.00 a.m. and 11.30 a.m., respectively.

6. The Inspection and Hearing took place as arranged. Mr. James Irvine of the Landlords was present at the Inspection and Hearing. Having inspected the Property and given consideration to the Landlords representations at the Hearing, the Committee determined that the Landlords have complied with the duty imposed by Section 14 (1) (b) in respect of Section 13 (1) (f) of the Act as the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. However, in respect of the duty imposed by Section 14 (1) (b) of the Act that the Property does not meet the Repairing Standard in respect of Section 13 (1) (a) of the Act the Committee could not be certain that the Property is wind and watertight and in all other respects reasonably fit for human habitation.

7. Following the last mentioned Inspection and Hearing, the Landlords submitted to the Committee satisfactory written confirmation that damp proofing works had been carried out and supported this by submitting a copy of the contractors' guarantee.

Summary of the Issues

8. The issues to be determined by the Committee are whether or not the Property meets the Repairing Standard in respect of Section 13 (1) (a) of the Act and is wind and watertight and in all other respects reasonably fit for human habitation and whether or not the Landlords had complied with the RSEO.

Decision of the Committee and Reasons for the Decision

9. The Committee's decision was based on the Landlords' written submissions of 17 May 2016, the Inspection and the Hearing on 3 August 2016 and the Landlords' subsequent submissions.

10. The Committee are of the opinion that the written confirmation that damp proofing works had been carried out and the contractors' guarantee are sufficient evidence to determine that the RSEO has been complied with by the Landlords. Accordingly the Committee revoke the RSEO

Right of Appeal

11. The parties' attention is drawn to the terms of Section 64 (4) of the Act regarding their right to appeal and the time limit for doing so. It provides that a landlord or tenant aggrieved by a decision of a private rented housing committee may appeal to the Sheriff within a period of 21 days of being notified of the decision.

12. Where an appeal is made, the effect of the appeal is that the determination of the committee 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
K. MOORE

Chairperson
12 November 2016