



**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/RP/15/0321

Re: Ground Floor flat at 20 Young Terrace, Springburn, Glasgow, G21 4LW, being the subjects registered in the Land Register of Scotland under Title Number: GLA60556 ("the Property")

The Parties:-

Ms Karen Gordon, formerly residing at 20 Young Terrace, Springburn, Glasgow, G21 4LW ("the Tenant")

Mr Richard Brewis, residing at 68 Birchmead Avenue, Middlesex, HA5 2BW ("the Landlord")

**Decision**

The Private Rented Housing Committee ("the Committee"), has now determined that the Landlord has failed to comply with the requirements of the Repairing Standard Enforcement Order ("RSEO") dated 25 February 2016, and further determined that notice of that failure should be served on the Local Authority in which the property is situated. The Committee further determined not to make a Rent Relief Order in relation to this matter.

**Background**

1. On 25 February 2016, 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 RSEO in respect of the property.
2. The RSEO made by the Committee required the Landlord to carry out such works as are necessary to:-
  - (a) (i) To commission an appropriately qualified Building Contractor to investigate the nature and cause of the dampness found within the bedroom and bathroom of the Property; (ii) to identify relevant works required to eradicate the source of the dampness and all relevant works required to repair the affected areas; and (iii) to

instruct an appropriate contractor to carry out all such recommended relevant works to eradicate the source of the dampness and all recommended works to repair any damage caused by the damp.

- (b) To carry out such reasonable works as are necessary to ensure that the Property is properly sealed against pest and vermin ingress and, in particular, to produce to the Committee an updated report from "Speedy Pest Control", or another appropriately qualified contractor, demonstrating that all recommendations in the report prepared by Speedy Pest Control dated 16 November 2015 have been carried out and that the rodent infestation has been eradicated. Thereafter to thoroughly clean all affected areas.
3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within the period of 6 weeks from the date of service of the RSEO.
  4. On 6 May 2016, the Surveyor Member of the Committee re-inspected the property. At that re-inspection the Surveyor Member was provided access to the property by the Landlord. The Tenant, who had made the original application, had vacated the property after the original inspection and hearing, but before the re-inspection. The Property was unoccupied as at the date of the re-inspection.
  5. Whilst it was apparent to the Surveyor Member that certain works had been carried out by the Landlord within the property, the Landlord has not provided to the Committee the specific reports from a qualified building contractor and from a qualified pest controlled contractor all as required in terms of the RSEO dated 25 February 2016.
  6. A copy of the report prepared by the Surveyor Member following the re-inspection was circulated to the Landlord by letter dated 10 May 2016. The letter to the Landlord which accompanied the re-inspection report confirmed that the Committee would now consider whether or not the Landlord had carried out the works and had complied with the terms of the RSEO. The letter gave the Landlord the opportunity to respond to the findings of the surveyor at the re-inspection. The letter specifically emphasised to the Landlord that the Committee required the reports detailed in the RSEO. Despite the terms of the letter issued to the Landlord, no further communication was received from the Landlord.
  7. On the basis of the Surveyor Member's re-inspection report which concludes that the Landlord has failed to comply with the RSEO in that he has not provided the contractors' reports required in terms of the RSEO, the Committee has accordingly determined that the Landlord has failed to comply with the requirements of the RSEO and have further

determined that notice of that failure should be served on the Local Authority in which the property is situated all in terms of Section 26 of the Act.

8. The Committee are required, in terms of Section 26 (2)(b) of the Act to decide whether to make a Rent Relief Order. In this case the Tenant has vacated the property and no rent is currently payable. The Committee accordingly has determined not to make a Rent Relief Order.

**Right of Appeal**

9. 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**

10. 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.

  
**A Cowan**

Signed .....  
Andrew Cowan, Chairperson

Date..... 6/6/15 .....

**L McManus**

.....Witness  
Laura McManus, Secretary, 7 West George Street, Glasgow, G2 1BA