



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

prhp Ref: RP.16.0017

Re : Property at 57/6 Prince Regent Street, Edinburgh, EH6 4AP ("the Property")

The Parties:-

Dr Fionn MacKillop, residing at 57/6 Prince Regent Street, Edinburgh, EH6 4AP ("the Tenant")

Mr James Dakin and Mrs Clare Dakin, residing at 43 Baberton Crescent, Juniper Green, Edinburgh, EH14 5BW (represented by their agent Byram Tavadia, Zone Lettings ("the Landlord(s)"))

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 determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 15th January 2016 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 his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation, any fixtures fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order and any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed. In particular the Tenant complained of -
 - a) A leak from the ceiling in the bedroom and the ceiling covered in mould
 - b) The dishwasher was broken
 - c) The oven was broken and dangerous to use
 - d) A kitchen cupboard door had fallen off
 - e) Mould throughout the property – , bathroom and bedroom
 - f) The sink in bathroom was defective
 - g) The toilet dripped constantly
3. By letter dated 19 January 2016 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. The committee members were Josephine Bonnar (Chairperson) and David Godfrey (Surveyor member)

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 Tenants.
5. Following service of the Notice of Referral the Landlord (by email received on 16 February 2016) made written representations to the Committee. In summary it was stated that there was a leak and mould in the bedroom and a repair was pending. A new oven and dishwasher had been installed. There was no mould in the bathroom, just dirt. The toilet was not faulty. The tenant's use of the property and failure to properly ventilate same was causing condensation. The Tenant intimated by email on the 2 March 2016 that the landlord had carried out the required repairs and that he wished to withdraw his application. Despite this the committee decided to continue to determine the application for the reasons set out in Minute of Continuation dated 5 March 2016
6. The Private Rented Housing Committee inspected the Property on the morning of 21 March 2016. The property is a second floor tenement flat comprising living room/kitchen, bathroom, WC, bedroom with adjoining dressing room/box room. The Tenant and the landlord's agent, Byram Tavadia were present during the inspection. The landlords were not present. The agent indicated prior to the inspection that there was one outstanding roof repair and the consent of other owners was awaited as it was a common repair. The tenant confirmed and it was also clear from the inspection that a new dishwasher and oven had recently been installed in the kitchen and were in good working order. A repair to the ceiling had been carried out and the ceiling painted although the painting was of poor quality and some discolouration on the ceiling could still be seen. The toilet was not dripping and was in proper working order. The sink in the bathroom was in working order although the plug was not attached to the chain. The broken kitchen cupboard door had been re-attached. An inspection of the exterior of the property was carried out and it appeared that the cement flashing at the base of the chimney stack had recently been replaced. This was identified as the probable source of the leak in the bedroom which had now been resolved. During the inspection it was also noted that there was no mould evident anywhere in the property with the exception of a small area in the corner of the bedroom ceiling near to the window. It was also noted that the permavents in the bedroom and adjoining dressing room were closed. The extractor fan in the bathroom did not come on automatically when the light was switched on. The radiator in the bedroom was in working order but is considered to be inadequate in size for the room. The small area of mould in the bedroom was probably associated with the leak and damp problems previously experienced and should resolve fully over time without action being required. Photographs of the property were taken and are attached.
7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at George House, Edinburgh. Neither the tenant nor the letting agent wished to attend the hearing. The landlords had previously intimated that they would not attend. No one else attended the hearing.

Decision

8. The Committee accordingly determined that
 - a) The ceiling had been repaired and the leak and dampness in the bedroom resolved
 - b) A new dishwasher had been installed to replace the broken one
 - c) A new oven had been installed to replace the broken one
 - d) The kitchen cupboard had been repaired
 - e) There was no evidence of mould within the property other than a small area in the corner of the bedroom ceiling which would resolve over time
 - f) The sink was in proper working order
 - g) The toilet was in proper working order
9. The committee accordingly determined the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

10. The decision of the Committee was unanimous.

Right of Appeal

11. **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

12. 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 Bonner** Date..... 1/4/16
Chairperson U

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57/6 Prince Regent Street, Edinburgh, EH6 4AP

21st March 2016

Front elevation



Renewed flashing/cement skews at verge of roof



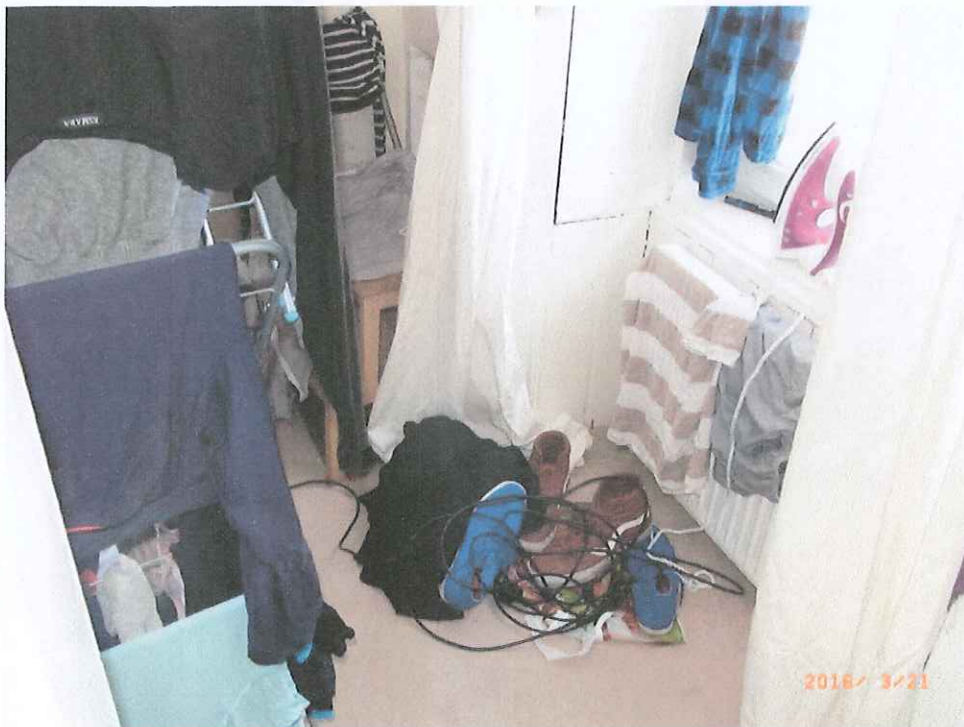
Damp stain on Bedroom ceiling



Condensation affecting upper wall/ceiling of Bedroom



Clothes drying in Dressing Room



Replacement oven



Replacement dishwasher



Repaired Kitchen cupboard door and extractor hood



Toilet cistern/WC



David Godfrey

21st March 2016