



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

Reference Number: PRHP/RP/16/0045

Re: Property at 158 Redpath Drive Glasgow G52 2HE (“the Property ”)

The Parties:-

Lisa Kitson (“the Tenant”)

Kenneth Elliot, 16 Fraser Avenue, Bishopton, Renfrewshire, PA7 5EU (“the Landlord”)

**Decision**

The Committee, having made such enquiries as it saw fit for the purpose of determining whether the Landlord has complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 (“the Act”) in relation to the property concerned and, taking account of the evidence submitted by both the Landlord and the Tenant, determined that the Landlord has complied with the duty imposed by Section 14 (1) (b) of the Act.

The Committee consisted of:-

Patricia Anne Pryce	-	Chairperson
Andrew Taylor	-	Surveyor Member

**Background**

1. By application comprising of all documents received on 2 February 2016, from the Tenant, the Tenant applied to the Private Rented Housing Panel (PRHP) for a determination as to whether the Landlord had failed to comply with the duties imposed by Section 14 (1) (b) of 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 property meets the repairing standard and the Tenant brought forward the following breaches:-

That there was no door on the kitchen which is a fire hazard.

That there were no smoke alarms.

That there was no carbon monoxide alarm.

The Tenant considers that the Landlord is in breach of his duties under the Housing (Scotland) Act 2006 in relation to the repairing standard and in particular the Landlord has failed to ensure:-

- (i) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
- (ii) The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

3. By Minute dated 12 February 2016 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 23(1) of the Act to a Private Rented Housing Committee.

4. On 25 February 2016, the Private Rented Housing Committee ("the Committee") wrote to the Tenant and to the Landlord to advise that the Committee intended to inspect the property on 6 April 2016 at 14.00 hours. The letter further confirmed that a Hearing had been arranged in relation to the application, which Hearing would be held in Wellington House, 134-136 Wellington Street, Glasgow, G2 2XL commencing at 15.30 hours. Finally, the letter confirmed that any written submissions had to be received by the Committee by 17 March 2016.

5. On 29 February, the Landlord emailed the Committee advising that the Tenant would be leaving the property on 26 March 2016 and that the Landlord would then be moving back in to the property to reside there. Various attempts were made by the PRHP to contact the Tenant but to no avail. Given that the Committee had received confirmation from the Landlord that the Tenant had terminated her tenancy of the property, the Tenant was to be treated as having terminated her application. By Minute of Continuation to a Determination dated 30 March 2016, being a decision under Schedule 2, Paragraph 7(3) of the Housing (Scotland) Act 2006, the Committee decided that the application should be determined on public interest grounds due to the nature of the complaints relating to the property wherein the Tenant had complained that Fire Scotland had attended at

the property and had been so concerned about the safety of the property that they had fitted two battery operated smoke alarms there and then. Given the foregoing, the Committee decided that the application should be determined on public interest grounds and in the best interests of the health and safety of occupants of the property.

### **The Inspection**

6. On 6 April 2016, the Committee attended at the property for the purposes of inspection of the property. The Landlord was present at the property.

At the inspection the Committee noted the following points:-

- (a) The property comprises a three apartment ground floor flat located within a four in the block. It is located within a predominantly residential area in the Cardonald area of Glasgow.
- (b) The property comprises all on one level an entrance hallway, two bedrooms, a living room, a kitchen and a bathroom.
- (c) There were hard wired, interconnected fire detection devices located in the hallway, the kitchen and the living room.
- (d) There was a hard wired carbon monoxide detector located in the hallway.
- (e) There was a door fitted at the kitchen doorway which the Landlord confirmed that he had fitted when he finally gained access to the property approximately three days before the inspection.
- (f) The Landlord showed the Committee the Gas Safety Certificate dated 18 June 2015 and the Electrical Installation Condition Report dated 16 June 2015. The EICR confirmed that the hard wired alarms had been fitted at that date.

The surveyor member of the Committee took several photographs which form the Schedule attached to this decision.

### **The Hearing**

7. No one attended the hearing. However, on the basis of what the Committee had observed at the inspection, the Committee was of the opinion that the Landlord had complied with the repairing standard in that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire as there were three hard wired fire detectors located within the property and that the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health as there was a hard wired carbon monoxide detector located within the hallway of the property. Finally, the Committee noted that a door had been affixed in the doorway of the kitchen of the property.

## Decision

8. The Committee accordingly determines that the Landlord has complied with the duty imposed by Section 14 (1) (b) of the Act.
9. The decision of the Committee was unanimous.

## Observations

The Committee notes that the Landlord was unhappy at this matter being continued despite the Tenant having terminated the tenancy and the Landlord advising that he was moving back into the property. The Committee explained to the Landlord at the inspection that the Committee had taken the decision to continue this matter due to the nature of the allegations which the Tenant had made in her application, all of which related to the safety of the property and the potential risk to any occupants of the property. The Committee stressed to the Landlord that this was not an issue of believing one party over the other but that the Committee was of the opinion that it required to investigate issues such as health and safety matters in the public interest. However, the Committee notes that in terms of the documentation which the Landlord had shown the Committee at the inspection the all of the alarms had been hard wired installed as of June 2015. The Committee sympathises with the Landlord's position but notes that the Landlord failed to provide these documents to the Committee in advance of the inspection which, if provided to the Committee, could have prevented the application from being continued and save the Landlord further time and effort.

## Right of Appeal

10. 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

11. 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.

**P Pryce**

Signed

Date 7 April 2016

Patricia Anne Pryce



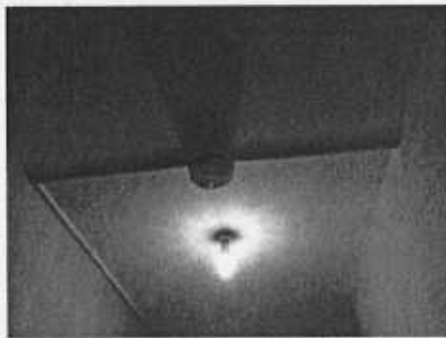
158 Redpath Drive, Cardonald, Glasgow, G52 2HE  
PRHP/RP/16/0045  
Schedule of Photographs - Inspection Date 6/04/2016  
Weather – Dry, overcast.



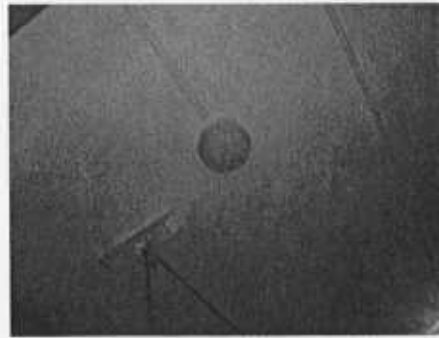
1. The property



2. Kitchen door



3. Hard-wired smoke detector,  
hall



4. Hard-wired heat detector,  
kitchen



5. Hard-wired smoke detector,  
living room



6. Carbon monoxide detector,  
hall

