



PRIVATE RENTED HOUSING PANEL

DETERMINATION UNDER SECTION 24 OF THE HOUSING (SCOTLAND) ACT 2006

THE PROPERTY

1/5, 16 South Frederick Street, Glasgow G1 1JG, registered in the Land Register for Scotland title number GLA177480 (“the Property”)

The Parties

Mr Nicholas Thumath, residing at the Property (“The Tenant”)

and

Mr Donald Muir, sometime of: Orchard House, Cavendish Road, Weybridge, Surrey KT13 0JR; 26 Springfield Court, Glasgow G1 3DQ; and 71 Candleriggs, Glasgow G1 1NP (“the Landlord”)

PRHP Reference: PRHP/RP/15/0258

Committee Members: David Preston (Chairperson); and George Campbell (Surveyor Member) (the Committee).

The Committee, having made such enquiries as are fit for the purposes of determining whether the landlord had complied with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 (hereinafter referred to as “the Act”) in relation to the property, and taking account of the representations by the landlords and the tenant, determined that the landlord had complied with the said duty.

Background

1. By application dated 21 September 2015, the tenant applied to the Private Rented Housing Panel for a determination as to whether the landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act.

2. Within the application the tenant alleged, amongst other complaints that no appliances had been PAT tested. He also complained that the kitchen lights had not been properly fitted.
3. By Notice of Referral dated 30 October 2015, the President of the Private Rented Housing Panel gave notice to the Landlord and the Applicant that she had referred the application to the Committee and scheduled an inspection and hearing for 11.00 on 9 December 2015.
4. By email dated 19 November 2015, the tenant advised that he wished to cancel the application.
5. Although the email of 19 November advised that some of the issues in the application had been attended to, these were not specified and the Committee was unable to determine if they related to the alleged untested or faulty electrical appliances and fittings.
6. The Committee considered that if the alleged complaints about the electrical fittings and appliances were substantiated, they were likely to raise health and safety issues for occupants of the property and therefore issued a Notice of Direction dated 23 November 2015 requiring the landlord to produce a valid EICR relative to the property in order that it could satisfy itself as to the integrity of the electrical fittings and appliances.
7. On 19 January 2016 the landlord's agents sent an EICR relative to the property. The EICR contained a number of C3 items which were categorised as "improvement recommended". The Committee sought clarification as to nature of the improvements which were recommended.
8. By email dated 11 February 2016 the landlord's agent submitted an email from the electrician who had carried out the inspection which advised that the C3 items referred to the type of distribution board fitted which complied with the current regulations at the time of installation and that the categorisation did not mean that the installation was unsafe in any way.

Accordingly the Committee determined that the landlord had complied with the duty imposed by section 14 (1) (b) of the Act.

Right of Appeal

A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of section 63

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 were be treated as having effect from the day on which the appeal is abandoned or so determined.

15-Feb-16

David Michael Preston

X

CHAIRMAN

Signed by: DAVID MICHAEL PRESTON