



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

prhp Ref: PRHP/RP/15/0290

Re : Property at 16 Vennel Mews, Cow Vennel, Perth, PH2 8PR ("the Property")

Land Register Title: PTH25418

The Parties:-

Mr Peter Rawnsley, 16 Vennel Mews, Cow Vennel, Perth, PH2 8PR ("the Tenant")

Afzal Mohammed and Sana Mohammed trading as A and S Properties, The Old Byre, Cottown, Glencarse, Perth, PH2 7NL ("the Landlord")

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, and taking account of the evidence provided by both the Landlord and the Tenant at the inspection, 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 24 October 2015, 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 was wind and water tight and in all other respects reasonably fit for human habitation, that the installations in the property for the supply of water, gas and electricity and for sanitation, space heating and heating water were in a reasonable state of repair and in proper working order and that any fixtures and fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order.
3. 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. 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 Tenant.
5. The Private Rented Housing Committee (comprising Mrs Judith Lea, Chairman and Legal Member and Geraldine Wooley, Surveyor Member) inspected the Property on 4 February 2016. The Tenant was present and so was the Landlord represented by both Afzal Mohammed and Sana Mohammed.
6. Prior to the inspection, the Landlord had provided an Electrical Installation Condition Report on the Property and had provided evidence to show that some work had been carried out on the property.
7. The Tenant confirmed, and it was also clear from inspection, that the issue with the hot water had been resolved, the loose floorboards in the hall and broken toilet had all also been resolved. The Landlord had in fact installed a new shower in the bathroom.

8. The outstanding issues were some condensation and mould in the living room and the bedroom and lights on the communal stair and outside the front door not working.
9. There was no evidence on inspection of any mould in the living room but there was evidence of condensation on the windows in the bedroom and in the area above the bedroom window. The Landlord's position was that this condensation was caused by over-occupation of the flat. The Tenant accepted that there had not been a problem when it was just two Tenants in the property. At present there were four people in the property (which is contrary to the terms of the lease) and this was causing a condensation problem. The Tenant also confirmed that clothes had been dried in the property and that sometimes the extractor fan in the bathroom was not used. In the circumstances it was accepted by the Tenant and observed by the Committee that any mould in the property was as a result of the Tenant's use of the property and there was no evidence of any damp problem. The Landlord also provided a report from Intoner Timber Preservation and Damp Proofing specialists on condensation.
10. In the whole circumstances the Committee did not consider that there was a breach of the Repairing Standard in respect of this.
11. It was clear from inspection that there was one light in the communal stairwell which was not working. The Tenant advised that the light outside the external front door to the building was also not working. The Landlord explained that he had already replaced a number of bulbs but that the other owners in the block were refusing to cooperate. The Committee had some concerns that the missing light on the stairwell might cause a health and safety hazard. The Landlord verbally undertook to replace the light on the stairwell within one week. In these circumstances the Committee saw no need to make a Repairing Standard Enforcement Order in respect of the property.
12. Neither the Landlord nor the Tenant expressed any wish to attend the hearing which the Committee held after the inspection at McDonald Arms Hotel, Main Street, Balbeggie, Perth and Kinross.
13. No one else attended the hearing.

Decision

14. The Committee accordingly determined that the Landlord has not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
15. The decision of the Committee was unanimous.
16. Photographs of the property are attached.

Right of Appeal

17. **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

18. 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
Chairperson

J Lea

Date.....

9/2/16

Photo record

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Condensation: Photo 1: living room – no evidence of condensation



Photo 2: bedroom – evidence of ongoing condensation problems, which initially occurred when the tenant took in two additional occupants. Landlord and tenant agree that the condensation is a result of lifestyle in the property.



Photo 3: drying area – the condensation problem would be alleviated if tenants used drying area outside the flat. The landlord will check that the tumble drier is working.



Photo 4: flooring in hallway/bathroom replaced

