



Determination by Private Rented Housing Committee

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

Re Flat 0/1, 53 Auchinloch Road, Lenzie, Glasgow, G66 5EY being the subjects registered in the land Register of Scotland under Title Number GLA158487 ('the Property')

The Parties:-

Miss Claire Hay residing formerly in the Property ('The Tenant')

Rahul Randev c/o Coda Estates Limited, 2-4 Heath Avenue, Lenzie, Glasgow, G66 4LG ('The Landlord')

REF:PRHP/RP/15/0318

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

Background

1. By application dated 20th October 2015 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord has 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 she considered that the Landlord has failed to comply with his duty to ensure that the Property meets the repairing standard. She advised that the Property is not wind and watertight and in all other respects reasonably fit for human habitation and the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and proper working order
In particular the application stated:-

2.1 Cracked living room window.
2.2 Gas fire not working. The fireplace needs to be inspected to restore it to a safe and working condition so that she can properly heat the property.
3. The Tenant had notified the Landlord's agent of the alleged defects by email dated 26th August 2015.
4. The President of the Private Rented Housing Panel, having considered the application, referred the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
5. The Committee members were Jacqui Taylor (Chairperson) and Sara Hesp (Surveyor Member).
6. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon the parties dated 3rd December 2015.

7. The Committee attended at the Property on 19th January 2016. The Property is a ground floor tenement flat, circa 1900. The accommodation comprises bedroom, living room, kitchen and bathroom.

The Tenant had vacated the Property in October 2015. The Landlord, his agent Darren Miller of Core Estates Limited and the new Tenant were present at the inspection. The Committee inspected the alleged defects and found as follows:-

7.1 Cracked living room window.

The window had been satisfactorily repaired.

7.2 Gas fire not working. The fireplace needs to be inspected to restore it to a safe and working condition so that she can properly heat the Property.

The Landlord advised that his contractor had been employed to disconnect the gas fire and remove it from the Property. However the new Tenant explained that she liked the fire and wished it to remain in place as a decorative feature.

Photographs were taken during the inspection and are attached as a Schedule to this report.

8. Following the inspection of the Property the Private Rented Housing Committee held a hearing in the PRHP offices at Wellington House, Wellington Street, Glasgow, G2 2XL. The Tenant did not attend. The Landlord attended the hearing with his agent Darren Miller and they advised as follows:

8.1 Cracked living room window.

The window had been repaired recently.

8.2 Gas fire not working. The fireplace needs to be inspected to restore it to a safe and working condition so that she can properly heat the Property.

The Landlord explained that Andy Baillie of A B Plumbing and Heating Services had been employed to cap the gas supply to the gas fire and remove the fire from the Property. However he was unable to produce a Gas Safety Certificate to verify this.

The hearing was adjourned to enable the Landlord to speak to Andy Baillie to arrange for the Gas Safety Certificate to be produced.

The Hearing reconvened and Darren Miller showed the Committee an email he had just received from Andy Baillie which stated:

'I can confirm the gas supply is disconnected from the fire from the above address and the gas pipe now has a soldered cap on it which will stop anyone from turning the gas supply back on to the fire as you could have done that before as the gas cock was just turned off manually.'

The Landlord advised that he would exhibit to the Committee by email or fax a valid Gas Safety Certificate the following morning.

This was received by the Committee on 20th January 2016.

9. Decision

The Committee determined:-

9.1 That the living room window had been satisfactorily repaired and was in a reasonable state of repair and in proper working order.

9.2 That the gas supply to the gas fire in the living room had been permanently disconnected and the gas fire was now safe (as confirmed by the Gas Safety Certificate dated 19th January 2016). The new Tenant had requested the gas fire remain in the Property for decorative purposes and therefore there was no obligation on the Landlord to repair the fire to render it in proper working order.

The Committee accordingly determined that the Landlord has not failed to comply with the duties 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.

J Taylor

Signed
Chairperson

..... Date 27th January 2016



27/1/16
J. Taylor

Schedule of photographs taken during the inspection of Flat 0/1, 53 Auchinloch Road, Lenzie, Glasgow G66 5EY on 19 January 2016



Front elevation

Interior



Living room – window



Living room – gas fire and fireplace



Schedule of photographs taken during the inspection of Flat 0/1, 53 Auchinloch Road, Lenzie, Glasgow G66 5EY on 19 January 2016

Exterior



Gas meter