



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

Reference number: prhp/ RP/15/0327

Re: Property at 22 Caledonian Court, Eastwell Road, Dundee, DD2 3FF ("the property")

Land Register Number: ANG56245

The Parties:-

Ms Megan O'Shea, formerly of 22 Caledonian Court, Eastwell Road, Dundee, DD2 3FF ("the former Tenant")

Mr Steven James Graham, Ms Lynn Anne Graham and Ms Julie Elizabeth Graham, care of their parents, James and Anne Graham, 20 Dalgetty Court, Muirhead, Dundee, DD2 5QY ("the Landlords")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the duty imposed by Section 14 (1)(b) in relation to the house concerned, and taking account of the evidence led by the Landlords at the hearing and the documentation produced by the Landlords, determined that the Landlords had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 25 November 2015, the former Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlords 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 former Tenant stated that the former Tenant considered that the Landlords had failed to comply with the duty to ensure that the house meets the repairing standard and in particular that the Landlords had failed to ensure that:- the house was wind and water tight and in all other respects reasonably fit for human habitation, that the structure and exterior of the house (including drains, gutters and external pipes) were in a reasonable state of repair and in proper working order, 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, 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 the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
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 Landlords and the former Tenant.
5. The Private Rented Housing Committee (comprising Mrs Judith Lea, Chairman and Legal Member and Harry MacLean, Surveyor Member) issued a Direction on 24 February 2016 directing the Landlords to produce a recent and up to date Electrical Installation Condition Report by a NICEIC or ECA registered contractor in respect of the property and evidence that there was sufficient provision for smoke, carbon monoxide and heat alarms in the

property. The Direction also required the Landlords to provide evidence that the windows in the property were in proper working order and in a reasonable state of repair.

6. The Landlords provided an up to date Electrical Installation Condition Report, invoices in respect of the fitting of heat and smoke alarms and photographic evidence of the windows in the property. The Landlords however indicated that they wished the inspection and hearing to proceed. By this time, the former Tenant had left the property.
7. The Private Rented Housing Committee (comprising Mrs Judith Lea, Chairman and Legal Member and Harry MacLean, Surveyor Member) inspected the property on 16 March 2016. The Landlords were represented by their parents, James and Anne Graham. Following the inspection of the property, the Private Rented Housing Committee held a hearing at Kirkton Community Centre, Derwent Avenue, Dundee. James and Anne Graham attended the hearing.
8. The Committee heard submissions from the Landlords' parents at the hearing.
9. The former Tenant had raised a number of issues in her application. The Committee dealt with each of these in turn:-

(a) Hot Water Supply in the Kitchen

The former Tenant indicated that there was an insufficient supply of hot water in the kitchen. It was clear from inspection that although hot water ran from the kitchen tap, there was low pressure and the water came out very slowly. The Landlords' parents advised that they had told the former Tenant about this before she moved into the property and there was a problem with the lack of pressure due to the height of the tap and its distance from the hot water tank. It was clear from inspection and confirmed by the Landlords' parents that the hot water tap in the bath and the sink in the bathroom ran with normal pressure. The Committee considered that the hot water tap in the kitchen was working, albeit slowly, and accordingly did not consider it to be a breach of Section 13(1)(c) but it is strongly recommended that the Landlords look at ways to improve the pressure of the hot water tap in the kitchen either by installing a different type of tap or installing a booster pump.

(b) The Living Room and Bedroom Windows

The former Tenant indicated that the living room window could not be opened and required to be overhauled and that the bedroom windows were not draught-proof. The Landlords' parents confirmed that the window catches had been fixed. It was clear from inspection that all the windows were capable of being opened and were in proper working order. They appeared to be fully wind and water tight and there was no evidence of any draughts. The Committee accordingly did not find any breach of the Repairing Standard.

(c) Trip Switch

The former Tenant indicated that the trip switch in the property was activated easily by the tumble dryer or washing machine. The Landlords' parents confirmed that so far as they were aware this was not a problem and never had been. From inspection there was no evidence of any problem with the trip switch. The distribution board and electrical installations in the property appeared to be in good order. The Landlords have provided an up to date Electrical Installations Condition Report showing that there is not a problem with the electrics in the property. The Committee accordingly found no breach of the Repairing Standard.

(d) Heat Detectors and Smoke Alarms

The former Tenant had stated that there was no heat detector or smoke alarm in either the kitchen or the living room. The Landlords have provided invoices to show that these alarms have now been fitted. It was clear from inspection that hardwired smoke alarms and heat detectors are now present in the kitchen and living room. The Committee accordingly found no breach of the repairing standard.

Appendix A









J Lea

Signed:.....
Judith V Lea