



**DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE re FAILURE  
TO COMPLY**

**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE  
UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006**

**In connection with**

**Property at Flat 1/1, 98 Raeberry Street, Glasgow G20 6EG  
(hereinafter referred to as "the house")**

**Title Number: GLA209787**

**CHRISTINA MacNEIL, residing at Flat 1/1, 98 Raeberry Street, Glasgow  
G20 6EG ("the Tenant")**

**LAWRENCE NORMAN VALLANCE and MAUREEN SHEILA VALLANCE,  
Spouses, residing at 16 Lynton Avenue, Whitecraigs, Glasgow ("the  
Landlords")**

**Reference PRHP/RP/15/0191**

**Committee - Richard Mill (Chairman) and David Godfrey (Surveyor Member)**

**BACKGROUND**

1. Reference is made to the Determination of the Private Rented Housing Committee ("the Committee") dated 12 November 2015, which decided that the Landlords had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act ("the Act"), and to the Repairing Standard Enforcement Order ("the RSEO") dated 13 November 2015 confirming that the Landlords had failed to ensure the property meets the repairing standard in respect of Sections 13(1)(a), (b) and (f) of the Act.

The RSEO required the Landlords to undertake works as is necessary for the purposes of ensuring that the property concerned meets the Repairing Standard and that any damage caused by the carrying out of any work in terms of the said Order is made good.

In particular the Private Rented Housing Committee required the Landlords:-

1. To instruct a suitably qualified contractor to survey the decayed timber framed

window within the main bedroom of the Property and to overhaul and repair same.

2. To instruct the installation of smoke alarms within the Property in accordance with the Scottish Government revised statutory guidance in force.
3. To instruct a suitably qualified contractor to remedy the cracks within the walls, ceilings and cornices of the Property and take such action to re-decorate as a consequence of such work as becomes necessary.
4. To instruct a suitably qualified tradesman to take remedial steps to ensure that the door to the main bedroom of the Property opens and closes.

The Private Rented Housing Committee required that the works specified in the Order must be carried out and completed within 6 weeks from the date of service of the Notice.

2. A re-inspection of the property was conducted by the Surveyor Member of the Committee on 15 January 2016. The Tenant was not present. Her husband provided access to the property. He was accompanied by his stepson. The Landlords were neither present nor represented.

3. The re-inspection disclosed that some of the works required in terms of the Repairing Standard Enforcement Order had been carried out. However the majority of the works required had not. The Re-inspection Report detailing this was issued to parties for their comments on 19 January 2016. The terms of it were agreed by the Tenant. No response by or on behalf of the Landlord was received.

4. In respect of the issues required in terms of the Repairing Standard Enforcement Order, the Committee concluded the following:-

1. No attempts have been made to repair or replace the decayed window frame/sill in the master bedroom.
2. Hardwired smoke alarms have been installed in the hall, lounge and both bedrooms. Smoke alarms/heat detectors have been installed in the dining room and kitchen.
3. No remedial work has been undertaken in respect of the cracks within the property to the walls, ceilings and cornices. No re-decoration work has been carried out.
4. No steps have been taken to remedy the master bedroom door which remains incapable of being opened or closed properly.

5. The Committee was satisfied based upon all of the information and evidence available that the Landlords have failed to comply with the Repairing Standard Enforcement Order previously issued. The Committee did not consider the failure to comply was due to a lack of necessary rights of access or otherwise.

6. The Committee considered and determined to issue a corresponding Rent Relief Order to the extent of 30% reflective of the adverse effect of the enjoyment by the Tenant of the property in the absence of compliance with the RSEO.

### **DETERMINATION AND REASONS**

The Committee considered the circumstances as earlier set out. The Committee unanimously decided in terms of Section 26(1) of the Act that the Landlords have failed to comply with the RSEO and directed that a notice of the failure be served on the Local Authority for which the property is situated.

### **RIGHT OF APPEAL**

**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.**

**The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the Private Rented Housing Panel or the Committee which made the decision.**

### **Effect of Section 63**

Whereas 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 28 days from the day on which the appeal is abandoned or so determined.

In witness whereof these presents typewritten on this and the preceding page(s) are executed by Richard Mill, Solicitor, chairperson of the Private Rented Housing Committee at Edinburgh on the Twelfth day of February Two Thousand and Sixteen before this witness:-

**M Murray**

witness

**R Mill**

\_\_\_\_\_  
chairman

Margaret Johnstone Murray  
21 Stafford Street  
Edinburgh  
EH3 7BJ

Legal Secretary



Rent Relief Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/15/0191

Title Number: GLA209787

Re : Flat 1/1, 98 Raeberry Street, Glasgow G20 6EG (hereinafter referred to as "the house")

The Parties:

CHRISTINA MacNEIL, residing at Flat 1/1, 98 Raeberry Street, Glasgow G20 6EG ("the Tenant")

LAWRENCE NORMAN VALLANCE and MAUREEN SHEILA VALLANCE, Spouses, residing at 16 Lynton Avenue, Whitecraigs, Glasgow ("the Landlords")

Committee - Richard Mill (Chairman) and David Godfrey (Surveyor Member)

NOTICE TO LAWRENCE NORMAN VALLANCE and MAUREEN SHEILA VALLANCE, Spouses ("the Landlords")

Whereas in terms of their decision dated 12 November 2015, the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the house made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 30% of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the said Act.

A landlord or a 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.

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. Where the appeal is abandoned or finally determined by confirming the decision, the Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

In witness whereof these presents type written on this and the preceding page(s) are executed by Richard Mill, Solicitor, 21 Stafford Street, Edinburgh EH3 7BJ, chairperson of the Private Rented Housing Committee at Edinburgh on 12 February 2016 before this witness:

M Murray

witness

R Mill

chairman

MARGARET JOHNSTONE MURRAY name in full

21 STAFFORD STREET Adresss

EDINBURGH

EH3 7BJ

Legal Secretary Occupation