



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER RULE 26(1)) OF THE PRIVATE RENTED HOUSING PANEL
(APPLICATIONS AND DETERMINATIONS)(SCOTLAND) REGULATIONS 2007**

In connection with

THE PROPERTY

62 Burnfoot Crescent, Paisley PA2 8NP, registered in the Land Register for Scotland under Title number REN50027

THE PARTIES

Ms Evelyn McMahon, residing at the property, per Renfrewshire Citizens Advice Bureau, 45, George Street, Paisley PA1 2JY (hereinafter referred to as 'the tenant')

Note: The tenant terminated her tenancy following expiry of the Completion Date specified in the RSEO.

and

Gordon Henry Alexander Cooley, sometime of 60 Parkmanor Avenue, Glasgow and Mark McCafferty, sometime of 54a, Levernbridge Road, Nitshill, Glasgow G53 7EB, and both now of Unit 10-12, Evanton Place, Thornliebank, G46 8JE (hereinafter referred to as "the landlords")

PRHP Ref: RP/15/0278

Committee Members – David Preston (Chairperson); Andrew Taylor (Surveyor Member)

DECISION

The Committee, having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the terms of the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 10 January 2016, in terms of section 26 (1) of the Housing (Scotland) Act 2006

(hereinafter referred to as “the Act”); DETERMINED that the Landlord had failed to carry out the repairs specified in the RSEO

BACKGROUND

1. Reference is made to: the Determination of the Committee dated 10 January 2016 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”) and the RSEO made by the Committee which required the Landlord to carry out works as specified therein. The said works were to be carried out and completed within 6 weeks from the date of service of the Notice of the RSEO, which was effected on 15 January 2016.
2. By email dated 15 March 2016 the tenant advised that she had recently ended her tenancy because of the landlord’s continuing failure to carry out the works specified within the RSEO.
3. Following the expiry of the Completion Date attempts were made by the PRHP administration to arrange a re-inspection on 17 March 2016, which was postponed until 5 April 2016 due to unavailability of the landlord to attend on 17 March 2016.
4. On 5 April 2016 the surveyor member attended at the property. There was no attendance by the landlord and the tenant had vacated the property. Accordingly the surveyor member was unable to gain access to the property, although he was able to inspect the external works and the windows from outside.
5. Following his inspection the surveyor member prepared a report dated 5 April 2016 which is referred to for its terms. The report discloses that the double glazed window units had not been replaced by the landlord despite the fact that at the time of the original inspection he advised that replacement windows had been ordered. The required work in respect of the repairs to the external access stair treads, risers, landings, walls and coping had not been carried out. The damaged and/or missing chespale fencing had not been repaired or replaced.
6. A copy of the re-inspection report was sent to the landlord for his comments but by 3 May 2016 no representations had been received.
7. Accordingly the Committee, having considered all the information before it, determined that the landlord had failed to carry out the works specified in the RSEO and had accordingly failed to comply with its terms. It determined to issue a Notice of Failure.
8. In terms of section 26(2)(b) of the Act, the Committee considered whether to make our rent relief order. As the tenant had vacated the property which loftily terminated the tenancy under which the application was made, the Committee was unable to make such an order. However it considered that if it had been able to make such an

order restriction of 50% of the rent was considered to be appropriate and would have been applied.

26-May-16

X D Preston

CHAIRMAN

Signed by: DAVID MICHAEL PRESTON