



**Determination by Private Rented Housing Committee**

Statement of Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 25(1) of the Housing (Scotland) Act 2006

Case Reference Number: PRHP/ML/177/10

Re:- Property at 167 Airbles Street, Motherwell, ML1 1UH ("**the property**")

Land Register Title Number:- **LAN82971**

The Parties:-

Mr Safraz Ahmed Cheema, residing at 167 Airbles Street, Motherwell, ML1 1UH ("**the tenant**")

And

Mr Mohammed Nasir residing at 11 Argyle Wynd, Motherwell, ML1 4GJ ("**the landlord**")

**The Committee comprised:-**

Mr James Bauld - Chairperson

Mr Alan English - Surveyor member

Mr Scott Campbell - Housing member

**Background:-**

1. On 4 April 2011 the Committee issued a Determination which decided that the landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On that date the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. Subsequent to the issue of that Order, the Committee re-inspected the property on 17 May 2011. The re-inspection was carried out by Mr Alan English, the surveyor member of the Committee.
3. A report of that inspection was produced and was circulated to both parties. The parties were invited to make comments. Responses were received from both the landlord and the tenant.

4. The tenant's response was dated 1 June 2011. The tenant indicated that he agreed that most of the work had been carried out but made complaints with regard to repairs which were not part of the original complaint to the Committee.
5. The landlord's response indicated that works had been carried out and that further works were to be done.
6. The Committee discussed the terms of the re-inspection report and the responses received from the landlord and tenant. The Committee took the view that the landlord had carried out the works required by the RSEO. The only items which the Committee considered had not been fully completed by the landlord were repairs to some of the drawers within the kitchen. The Committee however took the view that these were minor matters and that the major repairs required by the RSEO had been carried out to bring the property back to a proper state of reasonable repair.

#### **Decision**

7. The Committee, having made such enquiries as it sees fit for the purpose of determining whether the landlord has complied with the RSEO in relation to the property concerned and taking full account of all the evidence provided by both the tenant and the landlord now determine that the RSEO should be revoked. Accordingly the Committee have determined that a Certificate of Revocation should be issued in respect of said Order.
8. The Decision of the Committee was unanimous.

#### **Rights of Appeal**

9. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
10. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

#### **Effects of Section 63**

11. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.

12. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed..... **J Bauld** .....

James Bauld, Chairperson

Date..... *7 July 2011* .....

Signature of Witness...: **G Williams**

Date..... *7/7/11* .....

Name: *GILLIAN WILLIAMS*

Address: 7 West George Street, Glasgow, G2 1BA

Designation: *SENIOR COURT ADMINISTRATOR.*



**Notice of a decision to Revoke**  
**a Repairing Standard Enforcement Order**  
**Ordered by the Private Rented Housing Committee**

**PRHP Reference: PRHP/ML/177/10**

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And

Mr Mohammed Nasir residing at 11 Argyle Wynd, Motherwell, ML1 4GJ ("the landlord")

**Notice to Mohammed Nasir, residing at 11 Argyle Wynd, Motherwell, ML1 4GJ**  
**("the Landlord")**

The Private Rented Housing Committee having determined on 7 July 2011 that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 22 October 2010 is no longer necessary, the said **Repairing Standard Enforcement Order** is hereby revoked with effect from the date of service of this Notice.

**A landlord or tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.**

In witness whereof these presents typewritten on this and the preceding page(s) are executed by James Bauld, Solicitor, 7 West George Street, Glasgow G2 1BA, Chairperson of the Private Rented Housing Committee at Glasgow on 7 July 2011 before this witness:

Signed **J Bauld** .....

Date *7 July 2011* .....

Signature of Witness **G Williams** .....

Date *7/7/11* .....

Name: Gillian Williams

Address: 7 West George Street, Glasgow, G2 1BA

Designation: Senior Court Administrator