



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Ref PRHP/RP/16/0007

Re 58, Broomlands Drive, Irvine being the subjects described in the Feu Disposition by Cunninghame District Council in favour of David Colin Reilly recorded GRS (Ayr) 9th November 1994 (Search Sheet SS122281) ('the Property')

The Parties:-

Ms Christiane McCorgray residing formerly at 58, Broomlands Drive, Irvine ('The Tenant')

David Riley residing at 22, Littlestane Rise, Lawthorn, Irvine, KA11 2BJ ('The Landlord')

NOTICE TO DAVID RILEY

Whereas in terms of their decision dated 9th May 2016, the Private Rented Housing Committee determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlord has failed to ensure that 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 in proper working order and The Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

The Private Rented Housing Committee now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Private Rented Housing Committee requires the Landlord to:-

1. To install smoke and heat detectors in the property as follows:

- (a) One functioning smoke alarm in every room which is frequently used by the occupants for general daytime living purposes;
- (b) one functioning smoke alarm in every circulation space, such as hallways;
- (c) one heat alarm in every kitchen, and
- (d) all alarms should be interlinked.

2. To repair or replace the defective electrical socket and thereafter exhibit to the Committee a compliant Electrical Installation Condition Report.

The Private Rented Housing Committee order that these works must be carried out and completed By 30th June 2016.

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, 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: IN WITNESS WHEREOF these presents
typewritten on this and the preceding page are subscribed at Glasgow on 10th May 2016 by
Jacqueline Carol Taylor, chairperson of PRHP, 65, High Street, Irvine in the presence of the witness
undernoted: J Taylor

Signed..... Date 10th May 2016
Chairperson
E Richards

.....witness:
ELENA RICHARDS Full Name of witness
450 Argyle Street
Glasgow
G2 8LH



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

Ref PRHP/RP/16/0007

Re 58, Broomlands Drive, Irvine being the subjects described in the Feu Disposition by Cunninghame District Council in favour of David Colin Reilly recorded GRS (Ayr) 9th November 1994 (Search Sheet SS122281) ('the Property')

The Parties:-

Ms Christiane McCorgray residing formerly at 58, Broomlands Drive, Irvine ('The Tenant')

David Riley residing at 22, Littlestane Rise, Lawthorn, Irvine, KA11 2BJ ('The Landlord')

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 failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 11th January 2016 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 dated 11th January 2016 stated that she considered that the Landlord has failed to comply with his duty to ensure that the Property meets the repairing standard. In particular the application stated:-

The Landlord has failed to:-

- 2.1 *repair a faulty electric socket*
- 2.2 *install smoke alarms*
- 2.3 *address condensation and*
- 2.4 *repair radiators.*

3. The Tenant had notified the Landlord of the alleged defects by letter of notification dated 21st July 2015 acknowledged by the Landlord in his letter dated 25th July 2015. Also letter of notification dated 13th July 2016.
4. The Tenant's representative, Tracey Tait of CHAP, advised the PRHP by email dated 20th January 2016 that the Tenant has terminated her tenancy with effect from 11th February 2016. The President of the Private Rented Housing Panel considered whether the application should be determined or whether it should be abandoned, in terms of Schedule 2 Paragraph 7(2) of the Act.
The President considered that the application should be determined on safety grounds due to the nature of the alleged repairs which raise health/safety concerns for any future tenants and occupants and possible issues as to whether the house is safe. Accordingly

the President decided to continue to refer the case to a Private Rented Housing Committee.

5. The Committee members were Jacqui Taylor (Chairperson) and George Campbell (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 1st April 2016.
7. The Committee sent the Landlord a Direction dated 22nd April 2016 in the following terms:

'The Landlord is required to provide:-

An up to date electrical inspection report (EICR) by a suitably qualified electrician on the working order and condition of the installation in the house for the supply of electricity and the report is also to address the state of repair and working order of all the sockets and to confirm that hard wired smoke alarms have been installed in the Property in compliance with the Repairing Standard.

The Landlord is required to lodge this report and certificate with the Private Rented Housing Panel, Europa Building 450 Argyle Street, Glasgow G2 8LH ("PRHP") no later than midday on 5th May 2016.'

8. The Landlord did not provide the required information. However the Landlord's email to the PRHP dated 25th April 2016 referred to the Direction, confirming that he had received it.
9. The Committee attended at the Property on 10th May 2016. The Property is former local authority ground floor flat circa 1960. The Landlord did not attend the inspection and access was not provided to the Committee. The Committee noted that the Property was being marketed for sale.
10. Following the inspection of the Property the Private Rented Housing Committee attended Greenwood Conference Centre, Greenwood Gate, Dreghorn, Irvine, KA11 4GZ, for the scheduled hearing. The Landlord did not attend the hearing and was not represented.

11. Summary of the issues

Thereafter the issues to be determined are:

11.1 The Property is not wind and watertight and in all other respects reasonably fit for human habitation (Section 13(1)(a) of The Housing (Scotland) Act 2006).

Whether the Committee had sufficient evidence to determine if there is dampness/condensation in the Property resulting in the Property not being wind and water tight and in all other respects reasonably fit for human habitation.

11.2 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 in proper working order (Section 13(1)(c) of The Housing (Scotland) Act 2006).

Whether the Committee had sufficient evidence to determine if the alleged faulty radiator is in a reasonable state of repair and in proper working order.

11.2 That the fixtures, fittings and appliances provided by the Landlord under the tenancy were not in a reasonable state of repair and in proper working order (Section 13(1)(d) of The Housing (Scotland) Act 2006).

Right of Appeal

- 14. 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

15. 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 9th May 2016

Photograph taken at 58 Broomlands Drive Irvine KA12 0DZ on 9 May 2016 (Case Ref: RP/16/0007)

