



REPAIRING STANDARD ENFORCEMENT ORDER

PROPERTY:

Flat 1/3, 182 Ark Lane, Glasgow, G31 2JS, registered in the Land Register for Scotland, Title number GLA3281

THE PARTIES:

Mr Greg Grant, formerly residing at the property (applicant and tenant)

and

(Note: The tenancy under which the application was made, having been lawfully terminated, and the Committee having determined to continue with the determination of the application in terms of Minute of Continuation dated 19 April 2016 under Schedule 2 Paragraph 7(3) of the Act, the applicant was no longer the tenant)

and

Ranjit Singh Sall and Nachhater Kaur Sall, both of 27 Haberlea Avenue, Darnley, Glasgow, per Mr Ray Hunter, Apple Letting, 0/1, 7 Lloyd Street, Glasgow G31 2PE

("the landlord")

PRHP Ref: PRHP/RP/16/0061

Committee Members – David Preston (Chairperson); and Mike Links (Surveyor Member)

- 1. WHEREAS** in terms of its decision dated 10 October 2016 the Private Rented Housing Committee ('the Committee') determined that the landlords had failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 ('the Act') and in particular the property failed to meet the repairing standard as set out in section 13(1) of the Act.

2. The Committee now requires the Landlords to carry out such work as is required to ensure the property meets the Repairing Standard and that any damage caused as a consequence of carrying out of any works in terms of this Order is also made good before the expiry of the Completion Date.

THE ORDER

3. In particular, and without prejudice to the foregoing generality, the Committee **HEREBY ORDERS** the Landlords to carry out the following repairs ('the Works');-

Provide confirmation from a suitably qualified electrician that the Earth bonding at the plumbing serving the gas boiler is in place.

4. The Committee **HEREBY FURTHER ORDERS** that the Works specified in this Order must be carried out within **21days** from the date of service of this Order.

RIGHT OF APPEAL

A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the decision and any order will be treated as

having effect from the day on which the appeal is abandoned or so determined: IN
WITNESS WHEREOF these presents consisting of this and the two preceding pages
are subscribed as follows:

D PrestonChairman

10 October 2016Date of Signing

OBANPlace of Signing



.....Witness

Archibald LindsayName

ArwanAddress

22 McKelvie RdAddress

OBANAddress
PA34 4GBAddress



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE UNDER
SECTION 24 OF THE HOUSING (SCOTLAND ACT 2006 AND THE PRIVATE RENTED
HOUSING PANEL (TENANT AND THIRD PARTY APPLICATIONS)(SCOTLAND)
REGULATIONS 2015**

in connection with

Property:

**Flat 1/3, 182 Ark Lane, Glasgow, G31 2JS, registered in the Land Register for
Scotland under title number GLA3281**

The Parties: –

Mr Greg Grant, formerly residing at the property (“the applicant”)

**(Note: The tenancy under which the application was made, having been lawfully terminated,
and the Committee having determined to continue with the determination of the application
in terms of Minute of Continuation dated 19 April 2016 under Schedule 2 Paragraph 7(3) of
the Act, the applicant was no longer the tenant)**

and

**Ranjit Singh Sall and Nachhater Kaur Sall, both of 27 Haberlea Avenue, Darnley, Glasgow,
per Mr Ray Hunter, Apple Letting, 0/1, 7 Lloyd Street, Glasgow G31 2PE**

(“the landlord”)

PRHP Ref: PRHP/RP/16/0061

Committee Members: David M Preston (convener) and Mike Links (surveyor member)

10 October 2016

Decision:

**The Committee, having made such enquiries as are fit for the purposes of determining
whether the landlord had complied with the duty imposed by section 14(1)(b) of the Housing**

(Scotland) Act 2006 (hereinafter referred to as "the Act") in relation to the property, and taking account of the representations by both the landlord and the tenant:

- 1. Determined that the landlord had failed to comply with the said duty; and**
- 2. Determined to issue a Repairing Standard Enforcement Order under section 24(2) of the Act.**

Background:

1. By application received 12 February 2016, the tenant sought a determination of whether the landlord had failed to comply with the duties imposed by section 14(1)(b) of the Act.
2. The tenant complained that the landlord had failed to ensure that the property met the Repairing Standard in respect that:
 - a) The property was not wind and watertight and in all other respects reasonably fit for human habitation;
 - b) Furnishings provided by the landlord under the tenancy were not capable of being used safely for the purpose for which they were designed.
3. In particular the tenant complained as follows:
 - a) inadequate heating in the flat (faulty electric fire in the living room, one damaged oil radiator) and poor ventilation leading to damp/condensation/mould on walls/windows.
 - b) *Wiring is very old and believed to be faulty as even with mains off, oven/fire still illuminate.*
 - c) The fire detection system is not hardwired, consisting of one detector in the hall.
4. By Minute of Continuation dated 19 April 2016, following the lawful termination of the tenancy by virtue of the tenant having removed from the property, the application was continued in terms of Schedule 2, Paragraph 7(2) of the Act and by Minute of Decision dated 19 April 2016 was referred to the Committee. A Notice of Referral, Inspection and Hearing dated 25 April 2016 was sent to the parties and the Panel scheduled the inspection and hearing for 15 June 2016.
5. Following service of the Notice of Referral, Inspection and Hearing the Landlord's representative submitted written representations dated 11 May 2016. Mr Hunter advised that:

- a. A gas central heating system had been installed;
- b. An EICR and PAT test had been carried out and a report obtained.
- c. As a consequence of the terms of the EICR, new consumer boxes had been installed; a hardwired heat detector had been installed in the kitchen and a hardwired smoke detector had been installed in the hall;
- d. A Gas Safety Record dated 23 March 2016 accompanied the representations.

Inspection:

6. The Committee attended at the property on the morning of 15 June 2016 for the purpose of carrying out an inspection. Mr Ray Hunter was present at the property on behalf of the landlord.
7. Following the inspection on 15 June 2016 the Committee issued a Direction to the landlord dated 23 June 2016 which directed the landlord to:
 - a) Install a smoke detector in the living room of the property, interlinked with the existing hard wired detector situated in the hall; and
 - b) Relocate the carbon monoxide detector situated in the kitchen to a suitable location in accordance with the installation instructions.
 - c) Clarify and confirm to the Committee that the earth bonding at the plumbing serving the gas boiler is in place.
8. Following the Direction, there was no response from the landlord or his agent to confirm that the required works had been carried out. Accordingly the Committee determined to carry out further inspection to determine the status of the work required by Direction.
9. The Committee attended at the property on the morning of 27 September 2016 for the purpose of carrying out a further inspection. The landlords agent was unable to attend and the Committee was given access to the property by the current tenant.
10. The inspection revealed that: a smoke detector had been installed in the living room of the property which appeared to be interlinked with the existing hard wired detector in the hall; the carbon monoxide detector situated in the kitchen had been relocated to a position in line with the installation instructions. However the Committee was unable to confirm whether the earth bonding at the plumbing serving the gas boiler was in place.

Hearing:

11. Following the inspection, the Committee attended at Wellington House, 134 – 136 Wellington Street Glasgow for the purpose of the hearing. There was no attendance by or on behalf of the landlord.

Summary of Issues:

12. The issue to be determined was whether the property met the repairing standard as laid down in section 13 of the Act and whether the landlord had complied with that duty imposed by section 14(1)(b).

Findings and Reasons:

13. In coming to its decision, the Committee had regard to its own observations throughout the inspection.
14. In view of the fact that the landlords agent had been unable to attend the inspection in circumstances over which, the committee was advised, he had no control, the Committee determined that in the interests of fairness an opportunity should be provided to the landlord to produce the necessary confirmation in respect of the earth bonding. Accordingly a period of seven days was allowed for the production of this confirmation.
15. Following the expiry of the period of seven days permitted for the production of confirmation and in the absence of any correspondence or communication from the landlord's agents, the Committee determined to issue a Repairing Standard Enforcement Order.

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.

Effect of section 63:

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.

D Preston

10 October 2016