



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

17 Benview Terrace, Paisley, PA2 7JJ being the subjects registered in the Land Register of Scotland under Title Number REN60544 ('the Property')

The Parties:-

Miss Lorna Mullen ('The Tenant')

Mrs Linda Wallace residing at 5 Kilpatrick Avenue, Paisley, PA2 9DL ('The Landlord')

NOTICE TO Mrs Linda Wallace

Whereas in terms of their decision dated 7th July 2011, 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 in a reasonable state of repair and proper working order.

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) Repair or replace the central heating system and boiler to render them in a reasonable state of repair and proper working order.
- (2) Exhibit to the Committee a current valid gas safety certificate confirming that the gas appliances and central heating boiler are safe.

The Private Rented Housing Committee order that these matters must be carried out and completed By 5th AUGUST 2011.

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.

Signed..... *J. Taylor* Date 7th July 2011

Chairperson

..... *Elizabeth G. Shedden* witness: ELIZABETH GIFFEN SHEDDEN, 65, High Street, Irvine

At Irvine 7th July 2011: Certified to be a true copy of the original,

J. Taylor
Jacqueline Carol Taylor, Solicitor and Notary Public, 65 High Street, Irvine

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.

The date of service upon the parties of the decision under section 26(2) of the Act is hereby certified to be 3rd February 2012.

Signed.....*V. Taylor*.....Date.....*2/2/12*.....
Chairperson



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

17 Benview Terrace, Paisley, PA2 7JJ being the subjects registered in the Land Register of Scotland under Title Number REN60544 ('the Property')

The Parties:-

Miss Lorna Mullen ('The Tenant')

Mrs Linda Wallace residing at 5 Kilpatrick Avenue, Paisley, PA2 9DL ('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 2nd February 2011 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 stated that she considered that the Landlord has failed to comply with her duty to ensure that the Property meets the repairing standard. She advised 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 proper working order. In particular the application stated *inter alia* that the boiler has been condemned by Scottish Gas and Transco since December 2010.
3. The President of the Private Rented Housing Panel, having considered the application, referred the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
4. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant, dated 13th June 2011.
5. The Committee attended at the Property on 4th July 2011. Ms Senga Grant, the new tenant of the Property, was present. The Landlord did not attend. The Committee inspected the alleged defect and found that the central heating boiler and central heating system were not in use. The new Tenant advised that she had recently moved into the Property. She had not been able to use the boiler or central heating system since she moved in and the Landlord had arranged for an engineer to inspect the boiler that afternoon.
6. Following the inspection of the Property the Private Rented Housing Committee attended the PRHP offices for the scheduled hearing. The parties did not attend.

Summary of the Issues

7. The issue to be determined is whether the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order (Section 13(1)(c) of The Housing (Scotland) Act 2006).

Findings of fact

8. The boiler was not working at the time of the inspection and the radiator in the lounge was not connected and had been removed from the wall. Therefore the central heating system, including the boiler, is not in a reasonable state of repair and proper working order.

Decision

9. The Committee accordingly determined that the Landlord had failed to comply with the duties imposed by Sections 13 (1)(c) of the Act, as stated.
10. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1).
11. The decision of the Committee was unanimous.

Right of Appeal

12. **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

13. 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.

Signed
Chairperson



Date 7th July 2011