



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/15/0060

Re : Property at 76c Grainger Street, Lochgelly, Fife KY5 9HY ("the Property")

Land Certificate No: FFE16275

The Parties:- Sharon Fisher, c/o Remax First, 1a Whytescauseway, Kirkcaldy, Fife KY1 1XF
("the Landlord") and
Tyler Kirkham, 76c Grainger Street, Lochgelly, Fife KY5 9HY("the Tenant")

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 12 May 2015 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

A landlord or a 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 page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 25 November 2015, before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

V. CLARK

G. CLARK

_____ witness

_____ chairman



Statement of decision of the Private Rented Housing Committee under Section 26 (1) of the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/15/0060

Re : Property at 76c Grainger Street, Lochgelly, Fife KY5 9HY ("the Property")

The Parties:-

Tyler Kirkham 76c Grainger Street, Lochgelly, Fife KY5 9HY ("the Tenant")

Sharon Fisher, c/o RE/MAX First, 1a Whytescauseway, Kirkcaldy, Fife KY1 1XF ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has completed the works required by the Repairing Standard Enforcement Order issued on 12 May 2015 in respect of the Property determined that the Landlord has completed the works and complied with the Order and that a Certificate to that effect should be issued in terms of Section 60(5) of the Housing (Scotland) Act 2006.

Background

1. By application dated 14 February 2015, received on 17 February 2015, the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had 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 the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:
 - (a) the house is wind and water tight and otherwise fit for human habitation, and
 - (b) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order.
3. The Private Rented Housing Committee inspected the Property on the morning of 12 May 2015. The Tenant was present at the inspection. The Landlord was not present or represented during the inspection. The Committee comprised George Clark (chairman), Kingsley Bruce (surveyor member) and Christine Anderson (housing member).
4. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Crossgates Community Centre, Crossgates, Fife and heard from the Tenant. The Landlord was not present or represented at the hearing.
5. Following the hearing, the Committee made a Repairing Standard Enforcement Order in respect of the Property. The Order required the Landlord:
 - to exhibit to the Committee a current Electrical Inspection Condition Report in respect of the Property, to include smoke and fire detectors;
 - to obtain from a suitably qualified electrical contractor a report confirming whether the present space heating arrangements are adequate for the Property and to carry out

such improvements as the contractor may recommend and then redecorate as necessary; and

- to install in the Property fire and smoke detectors to ensure that it complies with the Scottish Government's revised statutory guidance and the revised Domestic Technical Handbook.

The Private Rented Housing Committee order that the works specified in the Order must be carried out and completed within the period of four weeks from the date of service on the Parties of the Notice of the Order.

6. The surveyor member of the Committee reinspected the Property on 17 July 2015. The Landlord was present during the reinspection. The Tenant had vacated the Property prior to the reinspection date. The surveyor member reported to the Committee that the heater in the bedroom had been repositioned and the room redecorated, smoke detectors had been fitted in the living room and hallway, but there was no heat detector in the kitchen and the surveyor member could not confirm that the detectors were interlinked. A new extractor fan had been fitted in the kitchen and the convector panel heater and power cable in the living room had been replaced. The Landlord had not exhibited an Electrical Condition Report or a report from an electrician regarding the adequacy of the heating system and the provision of fire/smoke detection did not appear to meet current standards.
7. The Landlord's agents e-mailed to the Committee on 1 September 2015 a Domestic Electrical Condition Report dated 31 July 2015 prepared by Derek Matthews, electrician, which had an Overall Satisfactory assessment. They subsequently e-mailed a letter from the electrician (DM Electrical) dated 30 October 2015. In the letter, the electrician stated that, when he had visited the Property to install a hard-wired heat detector and replace the panel heater in the lounge and reposition the heater in the bedroom, his inspection had indicated that the Property had mains-powered, interlinked smoke detectors in the lounge and hallway. He had installed a mains-powered heat detector in the kitchen, with a radio-linked base. The base in the lounge had also been changed to a two-radio link base. The kitchen and lounge had then been linked by a mains-powered radio link. The lounge and hallway were already linked via a mains hard-wired connection, so the detectors were now all interlinked. The panel heater in the lounge had been replaced by a 2KW panel convector heater, which, in the opinion of the electrician, would heat the room in 10-12 minutes and the relocation of the panel heater in the bedroom now meant that the bedroom would heat up in approximately 10 minutes.

Summary of the issues

8. The issues to be determined were whether the landlord had completed the works required by the Order and complied with the Repairing Standard Enforcement Order and whether a Certificate to that effect should be issued in terms of Section 60(5) of the Act.

Findings of fact

9. The Committee finds the following facts to be established:-
 - The heater in the bedroom has been repositioned and is no longer behind the door.
 - The convector panel heater in the living room has been replaced and there is no longer exposed wiring or an exposed connector block on the supply cable to the panel heater.
 - The bedroom has been redecorated.
 - A new extractor fan has been fitted in the kitchen.
 - The smoke and heat detectors in the Property, as advised by the electrician, are now interlinked, by a combination of hard-wiring and radio links.

Reasons for the decision

- 10. The Committee accepted the view expressed by the electrician in his letter of 30 October 2015 that the panel heaters in the living room and bedroom now provided adequate space heating for the Property and that the system of fire and smoke detectors in the Property was acceptable. The Electrical Installation Condition Report dated 31 July 2015 satisfied the requirements of the Order.

Decision

- 11. The Committee accordingly determined that the Landlord had completed the works required by the Order and had complied with the Order and that a Certificate to that effect should be issued in terms of Section 60(5) of the Act.
- 12. The decision of the Committee was unanimous.

Right of Appeal

- 13. **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

- 14. 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.
- 15. **The Landlord's attention is also drawn to Section 28 of the Act, which states that a landlord commits an offence if the landlord enters into a tenancy or occupancy arrangement in relation to a house at any time during which a Repairing Standard Enforcement Order has effect in relation to the house.**

Signed G. CLARK
Chairperson

..... Date 25 November 2015