



## **Statement of decision of the Private Rented Housing Committee under Sections 60 and 27(4)(b) of the Housing (Scotland) Act 2006**

prhp Ref: PRHP/RP/15/0089

Re : Property at 2 Rennies Lane, Aberchirder AB54 7SG ("the Property")

### **The Parties:-**

**Mrs Amanda Ross, residing at 2 Rennies Lane, Aberchirder AB54 7SG ("the Tenant")**

and

**Co-operative Group (CWS) Limited, registered under the Industrial and Provident Societies Act 1965, having its registered office at New Century House, Manchester and having a place of business at 1 Angel Square, Manchester M60 0AG (represented by its agent, Touchstone Residential, 55 Triangle Building, Wolverton Park Road, Wolverton MK12 5FJ) ("the Landlord")**

### **Decision**

The Committee, having made such enquiries as it saw fit, determined that it was satisfied that the work required by the Repairing Standard Enforcement Order dated 5 June 2015 in respect of the Property had been completed, that a Certificate of Completion to that effect should be issued in terms of Section 60 (5) of the Housing (Scotland) Act 2006 and that the Rent Relief Order in respect of the Property, made on 28 October 2015, should be revoked.

### **Background**

1. By application dated 6 March 2015, received on 10 March 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 in all other respects reasonably fit for human habitation,
  - (b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
  - (c) 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, and
  - (d) any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order,

3. By letter dated 10 April 2015 the President of the Private Rented Housing Panel intimated a decision to refer 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.
5. Following service of the Notice of Referral the Tenant made no further written representation to the Committee other than the original application dated 6 March 2015. The Landlord made no written representations to the Committee.
6. The Private Rented Housing Committee inspected the Property on the morning of 5 June 2015. The Tenant was present at the inspection. The Landlord was neither present nor represented during the inspection. The Committee comprised George Clark (Chair), David Godfrey (surveyor member) and Michael Scott (housing member).
7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Linden Community Centre, Castle Street, Huntly and heard from the Tenant. The Landlord was not present or represented at the hearing.
8. Following the inspection and hearing, the Committee made a Repairing Standard Enforcement Order in respect of the Property. The Order required the Landlord:
  1. to improve the ventilation, in order to avoid a build-up of condensation in the Property,
  2. to remove evidence of mould growth where present in the Property and
  3. to repair the cracked and flaking plaster in the upper floor landing of the Property and, in the affected areas, strip and replace the wallpaper and repaint.

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

9. The surveyor member of the Committee reinspected the Property on 7 September 2015 and reported to the Committee that two passive ventilators had been installed in the landing and two further vents had been installed in each of the attic floor bedroom wardrobes. A mechanical ventilator had been installed in the utility room, the plasterwork above the utility room window had been repaired and redecorated and various internal window sills had been redecorated in an effort to remove evidence of mould growth. The cracked and flaking plaster in the upper floor landing of the Property had not been repaired and the wallpaper in the affected areas had not been stripped and repainted.
10. Following the reinspection, on 28 October 2015, the Committee made a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 20% of the rent which would, but for the Order, be payable. The rent reduction was to take effect 28 days after the last date on which the decision to make the Rent Relief Order could be appealed under section 64 of the said Act.
11. The surveyor member of the Committee carried out a second reinspection of the Property on 12 May 2016 and reported to the Committee that an air management system had been installed within the upper floor landing and the cracked and flaking plaster in the upper floor landing had been repaired and redecorated. A copy of the second reinspection report is attached to and forms part of this Decision.

### **Summary of the issues**

12. The issues to be determined were whether the Landlord had carried out the work required by the Order and whether a Certificate of Completion to that effect should be issued and whether the Rent Relief Order should be revoked.

### **Reasons for the decision**

13. The Committee was satisfied, from the surveyor member's reinspection reports, that the works required by the Order had been carried out and that, accordingly, a Certificate of Completion should be issued. The Committee also determined that the Rent Relief Order should be revoked.
14. The decision of the Committee was unanimous.

### **Right of Appeal**

15. **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**

16. 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 ..... **G Clark** ..... Date **17** May 2016.  
Chairperson 



## 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/15/0089

Re : Property at 2 Rennies Lane, Aberchirder AB54 7SG ("the Property")

Land Certificate No: BNF3482

The Parties:-

Mrs Amanda Ross, residing at 2 Rennies Lane, Aberchirder AB54 7SG ("the Tenant")

And

Co-operative Group (CWS) Limited, registered under the Industrial and Provident Societies Act 1965, having its registered office at New Century House, Manchester and having a place of business at 1 Angel Square, Manchester M60 0AG (represented by its agent, Touchstone Residential, 55 Triangle Building, Wolverton Park Road, Wolverton MK12 5FJ) ("the Landlord")

### CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 5 June 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 17 May 2016, before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

V Clark

witness

G Clark

chairman