

## **Determination by the Private Rented Housing Committee**

### **Statement of Decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006**

**Re: The residential flat at 19/9 Wardlaw Place, Edinburgh  
("the Property")**

#### **The Parties:-**

**Ms S Blackwell resident at the Property  
("the Tenant")**

**and**

**Edinburgh Spaces Ltd, 25 Rutland Square, Edinburgh  
("the Landlords")**

#### **The Background**

1. On 20 March 2008 the Tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Act.

#### **The Application**

2. In her application the Tenant alleged that the Landlords had failed to comply with the duty to ensure that the Property met the Repairing Standard (as defined in the Act). In particular the Landlords had failed to ensure that:-
  - (i) there was adequate space heating – only one fixed heater and one small portable electric heater was available;
  - (ii) the holes in the skirting boards and floorboards were replaced;
  - (iii) the shower was repaired to prevent leakage;
  - (iv) the Property was re-decorated.

3. Following receipt of the Tenant's application, the President of the PRHP intimated that the application should be referred to a PRHP Committee ("the Committee") in accordance with Section 22(1) of the Act.
4. The Committee served Notice of Referral on the Landlords and the Tenant in accordance with the terms of Schedule 2, Paragraph 1 of the Act.
5. Following service of the Notice of Referral, the Tenant and the Landlords provided various documents to the Committee. The Tenant intimated that she wished to attend a Hearing. The Landlords indicated that they did not wish to attend a Hearing.

### **The Inspection**

6. The Committee inspected the Property on 22 August 2008 at 10.00am. Neither the Tenant nor the Landlords were present during the inspection.
7. During the course of the inspection, the attention of the Committee was drawn to the leakage of water in the shower unit/shower tray. The Committee accepted that when the shower was being used, some water would leak from the shower unit. This was because of small gaps between the shower tray and the shower door/unit where the seal was no longer effective. The Committee found that the shower/shower unit was not in a reasonable state of repair and required to be repaired.

### **Findings**

8. The Committee determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act. On 16 September 2008 the Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1) of the Act. The decision of the Committee was unanimous.
9. The Committee re-inspected the Property on 21 January 2009 but found that the Repairing Standard Enforcement Order had not been complied with. A further re-inspection was held on 1 July 2009 and on this occasion the Committee was satisfied that appropriate remedial works had been carried out. The Committee was satisfied that the work required by the Repairing Standard Enforcement Order of 16 September 2008 relative to the Property had been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the Property was discharged.

### **Right of Appeal**

10. A Landlord or Tenant aggrieved by the decision of the PRHP Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

**Effect of section 63**

11. 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.. **R Handley** ..... Date... 19 SEPTEMBER 2009  
Chairperson

**Certificate of Completion of Work  
Issued by the Private Rented Housing Committee  
Under section 60 of the Housing (Scotland) Act 2006**

**Title No: MID21046**

**Re: The residential flat at 19/9 Wardlaw Place, Edinburgh  
("the Property").**

**The Parties:-**

**Ms S Blackwell resident at the Property  
("the Tenant").**

**and**

**Ms Jane Ling Campbell, 148 Roselea, Port Skerra, Melvich  
("the Landlord").**

**CERTIFICATE OF COMPLETION**

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order dated 16 September 2008 relative to the Property has been completed. Accordingly, the said Repairing Standard Enforcement Order 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 type are subscribed by Ronald G Handley, solicitor, chairperson of the Private Rented Housing Committee at Glasgow on the fourteenth day of September 2009 before this witness:-

**I Maclean** \_\_\_\_\_ witness

**R Handley** \_\_\_\_\_ chairperson

I. MACLEAN name in full

3<sup>RD</sup> FLOOR Address of witness

140 WEST CAMPBELL

GLASGOW

CLERK Occupation