

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

Re: The northmost ground floor flat at 70 Church Street, Broughty Ferry, Dundee, DD5 1HD (“the Property”).

The Parties:-

Mr Alastair Smith
resident at the Property
(“the Tenant”).

and

Mr Ian Potts
per Blackadders, Solicitors,
30 & 34 Reform Street
Dundee
DD1 1RJ
(“the Landlord”).

The Background

1. The Tenant applied to the Private Rented Housing Panel (“the PRHP”) for a determination as to whether or not the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Act.
2. Following receipt of the Tenant’s application, the President of the PRHP intimated that the application should be referred to a Private Rented Housing Committee in accordance with Section 22(1) of the Act.
3. The Committee served a Notice of Referral on the Landlord and on the Tenant in accordance with the terms of Schedule 2, Paragraph 1 of the Act.

The Application

4. In his application the Tenant submitted that the Repairing Standard had not been met for the following reasons:

- the Property was not wind and not water tight and was not in all other respects fit for human habitation;
- the structure and exterior of the Property (including the drains, gutters and external pipes) were not in a reasonable state of repair and not in proper working order;
- the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and water heating were not in a reasonable state of repair and not in proper working order.

The Inspection

5. The Committee inspected the Property on 24 July 2009 at 10.00 am. The Tenant was present during the inspection. The Landlord was not present and not represented at the inspection. A Hearing took place after the inspection at 11.00 am in the Apex Hotel, Dundee.

Summary of the issues

6. The issue to be determined by the Committee was whether the Landlord had complied with the requirements of the Act in ensuring that the Property met the Repairing Standard.

Decision

7. The Committee determined that the Landlord had failed to comply with the duty imposed by section 14(1) (b) of the Act.
8. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1) of the Act.
9. The decision of the Committee was unanimous.

The Re-inspection

10. The Committee re-inspected the Property on 29 October 2009 and were satisfied that appropriate remedial work had been carried out. The Committee were satisfied that the works required by the Repairing Standard Enforcement Order of 16 September 2009 relative to the Property had been completed to a satisfactory standard. The Repairing Standard was met and consequently the Repairing Standard Enforcement Order is discharged.

Right of Appeal

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

Effect of section 63

12. 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. 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..... 9 / NOVEMBER / 2009
Chairperson

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

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CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order dated 16 September 2009 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 Edinburgh on the ninth day of November 2009 before this witness:-

K Robertson _____ witness

R Handley _____ chairperson

KIRSTY ROBERTSON name in full

SENIOR LEGAL SUPPORT OFFICER occupation

CITY CHAMBERS, HIGH STREET, address
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