





**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**

**PRHP Ref: prhp/IV27/62/10**

**Re: The residential dwellinghouse at  
Achd 324  
Drumbeg  
Assynt by Lairg  
Sutherland  
IV27 4NW  
("the property")**

**The Parties:-**

**Mrs A Strachan  
Formerly resident at the property  
("the tenant")**

**and**

**Mr D Johnson  
Willowbank  
Lochcarron  
Ross-shire  
IV54 8Y  
("the landlord")**

**The Committee's Decision**

**The Committee, having made such enquiries as it saw fit unanimously determined that the landlord had complied with the requirements of the Repairing Standard Enforcement Order dated 20 September 2010 ("the RSEO"). Accordingly the RSEO is now discharged.**

**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 Housing (Scotland) Act 2006 ("the Act"). On 21 and 24 May 2010 the PRHP office wrote to the tenant and the landlord confirming that the President of the PRHP had referred the application to a Committee. Both parties were asked if

they wished to make written representations (or if they wished the opportunity of making oral representations). Written representations were subsequently received from both parties.

### **The Application**

2. The tenant submitted that the landlord had failed to comply with his duty to ensure that the property met the Repairing Standard (as defined in the Act) and that the landlord had failed to ensure that:-
  - (a) the property is wind and water tight and in all other respects reasonably fit for human habitation;
  - (b) the structure and exterior of the property are in a reasonable state of repair and in proper working order;
  - (c) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and proper working order;
  - (d) the property has satisfactory provision for detecting fires and for giving warnings in the event of a fire or a suspected fire.
3. In particular it was submitted that:
  - the bathroom/utility extension had a poor quality corrugated iron roof and had a poorly constructed rough brick wall;
  - there were loose slates;
  - there were signs of dampness throughout the property;
  - the gutters/down pipes were not in a reasonable state of repair;
  - the flashing was rotten;
  - all window frames were in a poor state of repair/beyond repair;
  - the main door was warped and had split panels;
  - the external walls had visible cracks;
  - the plastic roof light in the bathroom was poorly sealed and unsightly;
  - there was water ingress around the light switch in the bathroom.
4. 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.
5. The Committee served Notice of Referral on the landlord and the tenant in accordance with the terms of Schedule 2, Paragraph 1 of the Act.

### **The Inspection**

6. The Committee inspected the property on 30 August 2010 at 10.00am. The tenant and her husband were present during the inspection as was the landlord. Neither party was represented.

## **The Hearing**

7. A Hearing took place in Drumbeg Community Centre after the inspection. Both parties attended the Hearing as did the tenant and her husband, Mr Strachan. Also present at the Hearing was a Mrs MacLean and Mrs Ross (with the landlord) and Mr Shea (Clerk to the Committee).
8. The Committee found the following facts to be established:-
  - In accordance with a Lease Agreement entered into by both parties on 12 November 2008, Mrs Strachan was the tenant of the property which was owned by Mr Johnston who is the landlord.
  - On 14 May 2010 the tenant made an application to the PRHP and on 21 and 24 May 2010 the PRHP office wrote to the tenant and the landlord confirming that the President of the PRHP had referred the application to a Committee for a determination.
  - The property comprised a 4 room cottage with utility room, kitchen area and bathroom. The property was built pre 1900.
  - The roof of the property was slated and was in a reasonable state of repair and in proper working order.
  - The gutters and rhone pipes were in a reasonable state of repair and in proper working order.
  - The flashing was in a reasonable state of repair and in proper working order.
  - There was no evidence of water ingress around the light fixture in the bathroom.
  - Having regard to the age, character and location of the property, the bathroom was in a reasonable state of repair.
  - There was a gap in one of the panels of the front door and the front door did not close properly. The front door was not in a reasonable state of repair or in proper working order.
  - The window in the utility room was cracked/broken and not in a reasonable state of repair.
  - The gable end wall of the property was not wind and watertight and consequently water was ingressing into the living room and the bedroom immediately above the living room.
  - There was water ingress to the downstairs bedroom and in the ceiling of the utility room.
  - There were no smoke detectors fitted in the property.

## **Decision**

9. The Committee determined that the landlord had failed to comply with the duty imposed by section 14(1) (b) of the Act and proceeded to make an RSEO as required by section 24(1) of the Act. The Committee required the landlord to carry out such works as are necessary for the purposes of ensuring that the property met the Repairing Standard and that any damage caused by the carrying out of any work in terms of the RSEO was made good.

10. In particular the Committee required the landlord to:-
  - (a) repair or replace the cracked panel in the front door and/or repair and replace the front door to ensure that it closed properly and was wind and water tight;
  - (b) repair or replace the ground floor windows to ensure that they were wind and water tight and in proper working order;
  - (c) carry out such works as were necessary to ensure that the west gable external wall, the west gable chimney and skew of the property were wind and water tight and that there was no water ingress in the living room and the bedroom located on the upper floor of the property;
  - (d) carry out such works as was necessary to eradicate the dampness in the rear wall of the east ground floor bedroom;
  - (e) replace the cracked/broken window in the utility room;
  - (f) carry out such works as were necessary to eradicate the dampness in the ceiling of the utility room of the property;
  - (g) install hard wired smoke detectors within the property ensuring that the recommendations contained in BS 5839, Part 6 were complied with.
11. The decision of the Committee was unanimous.
12. On 30th June 2011 the surveyor member of the Committee re-inspected the property. The landlord was present at the re-inspection..
13. In the course of the re-inspection it was noted that most of the works required in the RSEO had been completed. However there remained a small area of damp plaster to the base of the rear wall of the ground floor East bedroom. There was also evidence of damp plaster to the base of the front wall in this bedroom. The extent of damp was greatly reduced since the previous inspection. The landlord advised that he would be removing and replacing the damp plasterboard prior to re-decoration of the room and would ensure that the outfall drains from the rain water down pipes were working properly. All other remedial works had been completed.
14. Having considered the report prepared by the surveyor member, the Committee had little reason to doubt that the outstanding issue would be remedied in due course and agreed that if the landlord advised the Committee in writing when the area of dampness in the east ground floor bedroom had been removed it would consider discharging the RESO.
15. On 1 November 2011 the landlord wrote to the PRHP advising that the remedial works had been completed. The Committee decided that it was appropriate to discharge the RSEO.

**Right of Appeal**

- 16. 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**

- 17. 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..... 28 / January / 2013  
Chairperson