



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

PRHP/DD4/66/13

Search Sheet Number: 30853

Re: The residential dwellinghouse at

Flat 7
39 Lyon Street,
Dundee DD4 6RD

("the Property")

The Parties:-

Mr Kevin Kane and Miss Shirley-Ann Christie formerly resident at the Property

("the Tenants")

and

Mr Juned Mahomed
87 Prospect Hill
Leicester
LE5 3RT

("the Landlord")

The Committee comprised:

Mr Ron Handley – Chairperson
Mr Angus Anderson – Surveyor

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 30 August 2013 relative to the Property has been completed. Accordingly the RSEO 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 is subscribed by Ronald G Handley, Solicitor, chairperson of the Private Rented Housing Committee at Dunbar on 3 August 2015 before this witness:-

J. Handley

witness **R. Handley** chairperson

JANE HANLEY name in full

LESCIL WAY address

DUNBAR

EAST LOTHIAN



Decision by the Private Rented Housing Committee

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

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**Mr Ron Handley – Chairperson
Mr Angus Anderson – Surveyor**

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 30 August 2013 ("the
RSEO") and the Committee now discharges the RSEO.**

The Background

1. The Tenants 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 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. An inspection of the Property was arranged for 6 August 2013 at 10.30 am. A Hearing was arranged to take place after the inspection at Douglas Community Centre, Balmoral Avenue, Dundee.
4. The Committee duly attended at the Property on 6 August 2013 at 10.30 am. The Tenants were present with Ms McKenzie (a Support Worker). Mr Aboobaker, Mr Bradley and Mr Davidson (all on behalf of the Landlord) were in attendance at the inspection. All those present at the inspection also attended the Hearing (with the exception of Miss Christie).

The Findings

5. Following the inspection and Hearing on 6 August 2013 the Committee found the following facts to be established:
 - The Property is a top floor one bedroom flat in a four-storey block of tenements flats.
 - On 6 June 2012 the Tenants and the Landlord entered into a Short Assured Tenancy Agreement which related to the Property.
 - The electrical wiring within the Property was adequate.
 - There was no cooker within the Property – the Tenants disposed of a cooker which had been left by a previous tenant.
 - The drop light in the kitchen was defective and not in proper working order and required to be replaced.
 - The socket in the bedroom was broken and required to be replaced.
 - The electric fire in the living room had been repaired and was in proper working order.
 - The extractor fan in the shower room was not in proper working order and required to be repaired or replaced.
 - The smoke alarm within the Property was in proper working order.

- There was water ingress in the ceiling area above the living room window and remedial works were required to prevent this water penetration.
- There were no carpets in the hall or in the shower room.
- The right-hand side window in the living room was not in a reasonable state of repair, was not wind or water tight and required to be repaired or replaced.
- The inlet and/or outlet pipes under the kitchen sink were leaking and not in proper working order and repairs were required.
- The washing machine in the kitchen was owned by the Tenants and was not included as part of the Tenancy Agreement.
- The living room, kitchen and bedroom doors were not in a reasonable state of repair and required to be repaired or replaced. The internal entrance door to the Property was in a reasonable state of repair. The Yale lock on this door was in proper working order.
- The wardrobe doors did not open or close properly. However this is because of the actions of the Tenants.
- The shower cabinet doors were ill-fitting doors and consequently water leaked onto the floor when the shower was being used. The shower cabinet doors were not in proper working order and required to be replaced. The timber at the base of the shower was decayed and required to be replaced.
- The WC was cracked and was not in a reasonable set of repair and required to be repaired or replaced.
- The covers of some of the light fittings in the common stairway were missing. However they were in working order. Some of the window panes were cracked and the sash cord on the uppermost window of the common stair was broken. However, that window can be opened. Given the age and character of the building, the windows and lights in the common stairway were in a reasonable state of repair.
- The rhone pipes were in a reasonable state of repair and in proper working order.
- The external vent pipe for the Property was in a reasonable state of repair.

- The bottom step at the entrance door to the common stairway was damaged and was not in a reasonable state of repair. It required to be repaired.
- There was some weathering of the external stonework of the Property but the stonework was in a reasonable state of repair.
- The timbers above the kitchen window were in a reasonable state of repair.

The Decision

6. The Committee determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act.
7. The Committee proceeded to make a Repairing Standard Enforcement Order ("the RSEO") as required by section 24(1) of the Act.
8. In accordance with the RSEO the Landlord was required to carry out the following works (or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard):
 - (a) Replace the drop light in the kitchen.
 - (b) Replace the broken socket in the bedroom.
 - (c) Repair or replace the extractor fan in the shower room.
 - (d) Carry out investigations to identify the source of water ingress in the area above the living room window and ensure that repairs are carried out to remedy this defect.
 - (e) Carry out such repairs as are necessary to ensure that the right-hand side window in the living room is in a reasonable state of repair, is wind and water tight and is in proper working order.
 - (f) Carry out such repairs as are necessary to ensure that the inlet and/or outlet pipes under the kitchen sink are not leaking and are in proper working order.
 - (g) Replace or repair the doors in the living room, kitchen and bedroom to ensure that they are in a reasonable state of repair and in proper working order.
 - (h) Replace the shower cabinet doors with doors or shower curtains and ensure that they are in proper working order.
 - (i) Replace the decayed timber at the front of the shower unit.

- (j) Repair or replace the cracked WC and make good the adjacent wall finishes.
- (k) Repair the bottom step at the entrance door to the common stairway.

The Re-inspection

- 9. On 29 July 2015 the Surveyor member of the Committee re-inspected the Property. The Tenants had previously vacated the Property but Mr Malcolm Johnstone (the new Tenant) was present as was Mr Rizvan Aboobaker (on behalf of the Landlord).
- 10. Having considered the Re-inspection Report the Committee found that all the remedial works as required by the RSEO had been completed. The Committee concluded that the Repairing Standard had been met.
- 11. The decision of the Committee was unanimous.

Right of Appeal

- 12. A Landlord(s) 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

- 13. 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.....**3 AUGUST 2015**
Chairperson