



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: prhp/G33/82/12

Re : Property at 75 Loretto Street, Glasgow G33 3BX ("the Property")

Title No: GLA47879

The Parties:-

Stephen McCullagh, 105 Gartcraig Road, Riddrie, Glasgow G33 2RY ("the Landlord")

Ian Allan, 75 Loretto Street, Glasgow G33 3BX ("the Tenant")

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 28 September 2012 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 19 November 2015, before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

V. CLARK

G. CLARK

_____ witness

_____ chairman



Notice of Revocation of Rent Relief Order

Issued by the Private Rented Housing Committee

Under Section 27(4)(b) of the Housing (Scotland) Act 2006

prhp Ref: prhp/G33/82/12

Re : Property at 75 Loretto Street, Glasgow G33 3BX ("the Property")

Land Certificate Number: GLA47879

The Parties:-

Ian Allan, 75 Loretto Street, Glasgow G33 3BX ("the Tenant") and

Stephen McCullagh, 105 Gartcraig Street, Riddrie, Glasgow G33 2RY ("the Landlord")

NOTICE TO STEPHEN McCULLAGH ("the Landlord")

Considering that the Private Rented Housing Committee issued a Notice under Section 60 of the Housing (Scotland) Act 2006, dated 19 November 2015, certifying that the work required by the Repairing Standard Enforcement Order relative to the house made on 28 September 2012, has been completed, therefore in terms of Section 27(4)(b) of the Housing (Scotland) Act 2006 the Committee hereby revokes the Rent Relief Order in relation to the Property made on 28 November 2012 and that with effect from the date specified in Sections 63(4) and (5) of the Housing (Scotland) Act 2006, being 28 days after the last date on which this decision may be appealed.

A landlord or 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 this 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 19 November 2015 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian:-

V. CLARK

G. CLARK

- witness

Chairman



20 NOV 2015

Statement of decision of the Private Rented Housing Committee under Section 26(1) of the Housing (Scotland) Act 2006

prhp Ref: prhp/G33/82/12

Re : Property at 75 Loretto Street, Glasgow G33 3BX ("the Property")

The Parties:-

Ian Allan, 75 Loretto Street, Glasgow G33 3BX ("the Tenant")

Stephen McCullagh, 105 Gartcraig Street, Riddrie, Glasgow G33 2RY ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the terms of the Repairing Standard Enforcement Order in respect of the Property dated 28 September 2012 and made under Section 24(2) of the Housing (Scotland) Act 2006 ("the Act"), determined that the Landlord has complied with the said Repairing Standard Enforcement Order and that a Certificate to this effect should be granted under Section 60 of the Act, and that the Rent Relief Order made on 28 November 2012 should be revoked in terms of Section 27(4)(b) of the Act

Background

1. By application dated 17 April 2012, 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 the house is wind and water tight and in all other respects reasonably fit for human habitation, and 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,
3. The issues to be determined were whether the Property met the repairing standard as laid down in Section 13 of the Act and whether the Landlord had complied with the duties imposed on landlords by Section 14(1)(b) of the Act.
4. Following an inspection of the Property and a hearing, both on 28 September 2012, the Private Rented Housing Committee ("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 a Repairing Standard Enforcement Order ("the Order") as required by section 24(1) of the Act.
5. The Committee comprised George Clark (Chairman), Kingsley Bruce (surveyor member) and Scott Campbell (housing member).
6. The Order required the Landlord:-
 - (a) to replace the defective WC pan, including the toilet seat; and
 - (b) to carry out such repairs or replacements as are necessary to ensure the windows to the front of the house are wind and water tight.

The Committee ordered that the works specified in the Order must be carried out and completed within the period of 6 weeks from the date of service of the Notice of the Order.

7. The surveyor member of the Committee ("the surveyor") reinspected the Property on 28 November 2012 and advised the Committee that none of the work required by the Order had been carried out.
8. The Committee accordingly determined to make a Rent Relief Order and to serve notice on the local authority of the Landlord's failure to comply with the terms of the Repairing Standard Enforcement Order in respect of the Property. The Committee was of the view that the Rent Relief Order should reduce the rent payable in respect of the Property by 25%.
9. The surveyor reinspected the Property on 24 September 2015. He advised the Committee that the WC pan and seat had been replaced. In relation to the windows to the front of the Property, he reported that they had been repainted some time ago, that the timber externally showed signs of heavy deterioration below the painted finishes and that the grain in the timber was "open". Some separation between the timber glazing bars or timber retaining glazing was visible and, internally, there were indications of localised decay, of longstanding, to the inner frames. The Tenant was present at the reinspection and he advised the surveyor that there was no apparent ongoing ingress of rainwater. This confirmed the conclusion reached by the surveyor as a result of his reinspection, namely that, whilst the windows appeared to be showing signs of marked deterioration, there was no evidence of water ingress and the windows were wind and water tight. The surveyor noted that there was one broken window handle and that one casement appeared to be screwed tight, but added that these items fell outwith the requirements of the Repairing Standard Enforcement Order.

Summary of the issues

10. The issue to be determined was whether the Landlord had complied with the requirements of the Repairing Standard Enforcement Order in respect of the Property dated 28 September 2012.

Reasons for the decision

11. The Committee, again comprising George Clark (Chairman), Kingsley Bruce (surveyor member) and Scott Campbell (housing member) agreed with the surveyor that the WC pan and seat had been replaced and that the windows were now wind and water tight. The Landlord had complied with the terms of the Order and a certificate to that effect should be granted and the Rent Relief Order dated 28 November 2012 should be revoked. The decision of the Committee was unanimous.

Right of Appeal

12. **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

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, 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.

G. CLARK

Signed ...

..... Date 19 November 2015