



## Statement of decision of the Private Rented Housing Committee under the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/15/0200

Re : Property at 28 Easterton Avenue, Busby, Glasgow, G76 8JJ (“the Property”)

The Parties:-

Miss Karen Lavery formerly residing at 28 Easterton Avenue, Busby, Glasgow, G76 8JJ (“the Tenant”)

Ms Karin Miller residing at 26 Quantock Close, Warmley, Bristol, BS30 8UR (“the Landlord”)

### Decision

The Committee, having made such enquiries as was appropriate for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order (“RSEO”) in relation to the Property concerned and taking account of the subsequent inspection of the Property by the Committee, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

### Background

1. By way of a decision dated 4 September 2015, the Committee had issued a determination that 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 Committee had placed an RSEO on the Property also dated 24 September 2015. The RSEO required the Landlord:-
  - (a) to carry out such works to the bath and tiling at the Property to ensure that no significant egress of water from the bath/shower to the surrounding area occurs.The RSEO required the works to be carried out within 28 days.
3. Thereafter there seemed to be some disagreement between the Landlord and Tenant. The Landlord submitted that the Tenant was being difficult in providing access. The Tenant advised that the Landlord was not trying to properly arrange the works nor giving her proper notice. The Committee was unable to ascertain which version of events was accurate. In any event, the Committee gave two further periods to the Landlord to complete the works and the period for compliance with the RSEO was extended by 28 days from 28 November 2015 and, latterly for 28 days from 20 January 2016.
4. On 1 February 2016 the Surveyor Member of the Committee, Ms Carol Jones, attended at the Property. The Landlord was present and gave access. The Tenant was not present having removed from the Property on 29 January 2016. The tenancy was now at an end.

The Surveyor Member noted that since the original inspection the Landlord had installed a circular shower rail over the bath and a shower curtain now encircled the whole of the interior of the bath. Two small amounts of sealant had also been applied above the row of newer tiles over the bath in an attempt to stop any possible flow of water along the lip created by the two layers of tiles. The Committee noted that the shower curtain was

excessively long and there were large amounts of loose material forming at the bottom of the bath. This was clearly a trip hazard. The Landlord accepted at the re-inspection that this was the case. Within a few days the Landlord provided evidence to the Committee by way of photograph that the shower curtain had been shortened and the amount of excess material had been removed.

5. The Committee (comprising Mr E K Miller and MS C Jones) considered matters. The Committee had anticipated that a more substantive repair would be carried out. However, whilst the shower curtain that had been installed was not particularly aesthetically pleasing, nonetheless it had the practical effect of retaining water within the bath and not allowing it to spill. The two areas of sealant that had been applied would also have the practical effect of stopping water running along the end of the bath, although again it was not a particularly attractive repair. In the circumstances the Committee considered that the works the Landlord had carried out would be effective and therefore compliance with the repairing standard had been achieved. Accordingly the Committee was satisfied that the RSEO should be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act would be granted.

#### **Decision**

6. The decision of the Committee was unanimous.

#### **Right of Appeal**

7. **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.**

8. **Effect of section 63**

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.

E Miller

Signed ..... Date .....  
Chairperson

4/5/16



## Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/15/0200

Re: Property at 28 Easterton Avenue, Busby, Glasgow, G76 8JJ ("the Property")

Sasine Description: LAN35668

### The Parties:-

Miss Karen Laverty formerly residing at 28 Easterton Avenue, Busby, Glasgow, G76 8JJ ("the Tenant")

Ms Karin Miller residing at 26 Quantock Close, Warmley, Bristol, BS30 8UR ("the Landlord")

### CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property dated 4 September 2015 as subsequently varied and extended on 24 November 2015 and 20 January 2016 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 type written on this and the preceding page are executed by Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 3 March 2016 before this witness:-

E Miller

C Robertson

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Chairman

\_\_\_\_\_  
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