



PRIVATE RENTED HOUSING PANEL

DETERMINATION UNDER SECTION 24 OF THE HOUSING (SCOTLAND) ACT 2006

THE PROPERTY

Ground floor flat, 16 Easdale Path, Coatbridge, ML5 4FD registered in the Land Register for Scotland under title number LAN151382

The Parties

David Sweeney residing formerly at the property ("the Tenant")

and

Charmaine Mills and Owen O'Donnell residing at 23 Allan Street, Coatbridge per Hugh O'Donnell, their agent ("the Landlord")

14 February 2013

Committee Members – David M Preston (Chairperson); Carol Jones (Surveyor Member); Christopher Harvey (Housing Member)

Decision

The Committee, having made such enquiries as are fit for the purposes of determining whether the Landlord has complied with the duty imposed by section 14 (1) (b) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act") in relation to the property, and taking account of the representations by both the Landlord and the former Tenant, determined that the Landlord had complied with the said duty.

Background

1. An application was made to the Private Rented Housing Panel ("PRHP") by the former tenant for a determination of whether the Landlord had failed to comply with the duties imposed by section 14 (1) (b) of the Act.
2. The details of the application are as outlined in the Statement of Decision by the Committee dated 11 October 2012 to which reference is made.
3. On 9 October 2012 the Committee carried out an inspection of the property and its findings are as recorded in the said Statement of Decision. On 11 October 2012 the committee issued a Notice of Direction the terms of which are referred to herein.
4. The said Notice of Direction and Statement of Decision were intimated to the Tenant on 17 October 2012 and were served on the Landlord by Sheriff Officers on 23 November 2012. In addition copies of said documents were sent to the Landlord by email dated 17 December 2012.
5. By emails dated 19 December 2012, the Landlord submitted detailed representations together with: a copy spreadsheet of complaints submitted to her by the tenant, copy letters to the tenant dated 16 March, 1 May and 24 June, all 2012, a copy report by Wise Property Care dated 5 July 2012 and a series of photographs. The Committee carefully considered the representations and other papers.
6. On 3 January 2013 the Tenant's agent intimated to PRHP that the Tenant had left the property for a new privately rented property. Accordingly, as the tenancy had been lawfully terminated in terms of Schedule 2, Paragraph 7 of the Act, on 14 January 2013 the Committee granted a Minute of Continuation and arranged a further inspection of the property and hearing to take place on 14 February 2013.
7. Mr & Mrs H O'Donnell were in attendance at the inspection. The Committee noted that the issues which had been apparent at the initial inspection on 9 October 2012 had been addressed and there was no sign of dampness in the living room or in the bedroom cupboard. The plasterboard and decoration had been reinstated following investigations and work carried out by or on behalf of the Landlord.
8. Mr and Mrs H O'Donnell were in attendance at the subsequent hearing in Hamilton House, Caird Park, Hamilton.
9. Having carefully considered the representations made by the Landlord and the documentation provided as well as the representations by Mr and Mrs O'Donnell, the Committee was entirely satisfied that the issues identified at the hearing on 9 October 2012 had been satisfactorily addressed by the Landlord and the property clearly met the Repairing Standard.

10. The Committee accordingly determined that the Landlord had not failed to meet the duties imposed by section 14 (1) (b) of the Act.

D Preston

Chairperson.....
Private Rented Housing Committee

14-2-13
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Date