



Determination by Private Rented Housing Committee

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

Re : Property Flat 2/2, 12 William Street, Paisley being the subjects registered in the land Register of Scotland under Title Number REN 35780 ('the Property')

The Parties:-

Kenneth Ibe residing at 2/2, 12 William Street, Paisley, PA1 2LZ ('the Tenant')

Gurchan Singh Padda residing at 28 Garngaber Avenue, Lenzie, Glasgow, G66 4LL; Mohammed Parvez otherwise Parvez Ashrif residing at East Claddens, Garngaber Road, Lenzie, Glasgow; Shazad Bakhsh residing at Flat 2/1, 524 Paisley Road West, Glasgow, G51 1RN as Partners and Trustees for the Firm of Cee n Gee properties, 524 Paisley Road West, Glasgow per Aaron Property Management & Letting, 584 Cathcart Road, Glasgow ('the Landlords')

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the duty imposed by Section 14 (1)(b) in relation to the Property determined that the Landlords had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 23rd May 2011 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlords 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 he considered that the Landlords had failed to comply with their duty to ensure that the Property meets the Repairing Standard and in particular he advised that the Property was not wind and watertight and in all other respects reasonably fit for human habitation; that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and proper working order; that the fixtures, fittings and appliances provided by the Landlords under the tenancy were not in a reasonable state of repair and in proper working order; any furnishings provided by the Landlords under the tenancy are capable of being used safely for the purpose for which they are designed and the Property does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
3. In particular he advised that he considered that the following works are required:-
 - (1) The installation of heating units, as none exist in the Property.
 - (2) Supply of Energy Performance Certificate.
 - (3) Installation of smoke alarm and carbon monoxide alarm.
 - (4) Repair of defective/ non- functional intruder alarm.
 - (5) Repair of defective wall sockets.

- (6) Repairs to the entry door.
4. The President of the Private Rented Housing Panel after considering the application determined to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
5. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlords and the Tenant.
6. The Private Rented Housing Committee inspected the Property on the morning of 2nd February 2012. The Landlords did not attend the inspection.

At the inspection the Committee advised the Tenant that the provision of an Energy performance Certificate and the provision of a carbon monoxide alarm are not part of the Repairing Standard.

The Tenant advised the Committee:-

- (1) Two electric heaters had been installed in the Property and they were working properly.
- (2) No Energy performance Certificate had been provided.
- (3) A hardwired smoke alarm had been installed but no carbon monoxide alarm had been provided.
- (4) The intruder alarm had been replaced and it worked properly.
- (5) The wall sockets had been repaired and they worked properly.
- (6) The entry door had been repaired.

The Committee saw that these repairs had been carried out rendering the items in a reasonable state of repair and proper working order.

7. The Tenant confirmed to the Committee that no hearing was required as the repairs had been completed. The clerk of the Committee contacted the Landlords agents by phone and they confirmed that no hearing was required. Consequently the Committee determined that the scheduled hearing was cancelled.

Summary of the issues

8. The issues to be determined are whether the defects claimed by the Tenant were present at the time of the inspection resulting in the Landlords failing to meet the Repairing Standard. As stated the defects claimed are:-
 - (1) Absence of heating units the Property.
 - (2) None existence of Energy Performance Certificate.
 - (3) Non existence of smoke alarm and carbon monoxide alarm.
 - (4) Non- functional intruder alarm.
 - (5) Defective wall sockets.
 - (6) Defective entry door.

Findings of fact and reasons for the decision.

9. As a preliminary matter the Committee determined that the absence of the Energy performance Certificate and the absence of a carbon monoxide alarm was not a breach of the Repairing Standard.
In relation to the other matters contained in the Tenant's application the Committee finds:-
 - (1) Adequate heating units had been installed.
 - (2) The intruder alarm had been replaced.
 - (3) The wall sockets had been repaired.
 - (4) The entry door had been repaired.

Accordingly these items had been rendered in a reasonable state of repair and proper working order and now complied with the Repairing Standard.

(5) A hardwired smoke alarm had been installed and therefore the Property now has a satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire as required by the Repairing Standard.

Decision

10. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
11. 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.

J Taylor

Signed
Chairperson

Date: 7th February 2012