



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

prhp Ref: prhp/KY16/136/10

**Re : Property at 37 Lade Braes, St Andrews being All and Whole the dwelling house known as Coupar Villa and the garden ground annexed thereto adjoining the Lade Braes, St Andrews in the Burgh of St Andrews and County of Fife being the subjects more particularly described in, disposed by and shown delineated and coloured blue on the plan or sketch annexed and executed as relative to the Disposition granted by the Trustees of the late Robert Coupar in favour of Louisa Brewster Coupar, daughter of John Coupar, Dairyman, Anstruther dated the Fourteenth and recorded in the Particular Register of Sasines, Reversions et cetera kept for the City of St Andrews on the Seventeenth both days of June 1893. ("the Property")**

### **The Parties:-**

**Neil Bower and Melissa Marshall, 37 Lade Braes, St Andrews ("the Tenants")**

**Mr J Chesney, Buckingham Cottage, Crow Road, Glasgow ("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 duty imposed by Section 14 (1)(b) in relation to the house concerned, and taking account of the evidence submitted by both the Landlord and the Tenants, determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

### **Background**

1. By application dated 3 October 2010, the Tenants 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 Tenants stated that they considered that the Landlord had failed to comply with his duty to ensure that the house is wind and water tight and in all other respects reasonably fit for human habitation and that the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
3. The President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
4. The Private Rented Housing Committee served Notice of Referral in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenants.
5. Following service of the Notice of Referral, the Tenants made written representations.
6. The Private Rented Housing Committee inspected the Property on 31 January 2011. The Landlord was present at the inspection. The Tenants were not present or represented. The Tenants left the property on 9 November 2010 and are no longer in Scotland.

7. It was clear from the inspection that the Landlord has replaced all the windows in the property with new windows. The windows at the front are hard wood double glazed, sliding sash windows and the windows at the back are upvc windows of the same style. The Landlord confirmed that the plaster and paintwork still required to be made good as the windows have just been fitted. The Landlord further explained that it had taken some time to install the windows because of the planning process.
8. In the circumstances, the Committee did not consider it necessary to convene the hearing in this case.
9. The matters raised by the Tenants all concerned the windows in the property which have now been replaced by the Landlord. The Committee accordingly considered that the Landlord had fully dealt with the Tenants' concerns. The windows now installed in the property are brand new and are in proper working order. The Committee accordingly did not find a breach of the Repairing Standard and did not consider it necessary to make a Repairing Standard Enforcement Order.
10. The decision of the Committee was unanimous.

#### **Right of Appeal**

11. **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**

12. 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 Lea**

Signed ..... Date 8 February 2011  
Chairperson