



Determination by
The Private Rented Housing Committee

Statement of Decision under section 24(1) of
The Housing (Scotland) Act 2006

Property: 47 Main Street, Forth, ML11 8BS

Landlord: Gabriella Klein per her agents,
SPSL 9a High Street Stewarton.

Tenant: vacated

Reference: PRHP/RP/14/0170
Title number: LAN105707

1.The then tenant made an application dated 7/7/14 to the Private Rented Housing Panel for a determination that the property did not conform to the repairing standard set out in section 13 of the Housing (Scotland) Act 2006. The application was resisted by the landlord, Gabriella Klein per her agents Select Sales and Lettings 9a High Street, Stewarton.

2.Subsequently, but before the application had been referred to this Committee, the tenant removed from the tenancy and the tenancy lawfully terminated.

3.In terms of Schedule 2, paragraph (7) (1) of the Act, the application is treated as having been withdrawn by the tenant if the tenancy has been so terminated. By the end of August 2014 that event had occurred and the application is therefore treated as withdrawn.

4.In terms of Schedule 2, paragraph 7 (2) of the Act, where the application has been withdrawn as described above, the president of the Private Rented Housing Panel may either abandon consideration of the application, or may, despite the withdrawal, continue to refer the case to a Committee.

5.By Minute of Continuation dated 13/10/14 the President decided to continue the application in the interests of public health and safety and accordingly the application was referred to this Committee by letter dated 7/11/14.

6.The application to the PRHP alleged a breach of the repairing standard. It alleged:-

- a) Repairs required to the roof because it leaks
- b) The roof leaks have resulted in damage to the bathroom ceiling.

7.The Committee comprising Mrs. A McCamley (Chairman), Mr. M Links (Surveyor) and Mr. S Campbell (Housing Member) inspected the property on the morning of 29th June 2015. The landlord's agent Mr. Dowds was in

attendance. The Committee was allowed access to the property by courtesy of the new tenant Ms Tina Hughes.

8. The Committee's surveyor member made visual inspection of the roof and took dampness readings on the bathroom ceiling using an electronic moisture meter. Firstly, the roof appeared from ground level visual inspection to be in a reasonable state of repair, although the Committee did notice some loose slates (which we brought to the attention of the letting agent). Secondly, the moisture meter remained 'in the green zone' indicating there was no water penetration through the bathroom ceiling. The current tenant (who has been in the property since October 2014) was pleased to confirm she has not suffered any roof leaks and is satisfied with the bathroom ceiling.

9. After inspecting the property the Committee proceeded to hold a Hearing at the Town Hall in Carnwath. Mr Dowds attended the Hearing and confirmed he had not received any complaints from the current tenant and he believed that a roof repair carried out in May 2014 had sorted out any problems.

10. Having taken account of the whole oral and written evidence as detailed above, and applying the balance of probabilities and our own expertise the Committee hereby determines that the landlord has fully complied with the duties imposed by section 14(1)(b) of the Act. The decision of the Committee is unanimous.

11. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by way of summary application within 21 days of being notified of that decision. Where such an appeal is made, the effect of the decision and any 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 any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

A. McCamley

L. McEwan
Private Rented Housing Committee