



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**

In connection with

**Property at 13 Attercliffe Avenue, Wishaw, North Lanarkshire ML2 0BJ
(hereinafter referred to as "the House")**

**Lorraine Platt, residing formerly at the House (hereinafter referred to as
"the Tenant")**

**Gordon and Jacqueline Roberts, 15 Douglas Drive, Bothwell, South
Lanarkshire G71 8RF (hereinafter referred to as "the Landlord")**

PRHP REFERENCE PRHP/RP/15/0128

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 House, and taking account of the evidence led on behalf of the Landlord at the hearing and of the written documentation attached to the application and submitted by the parties, determined that the Landlord had not failed to comply with the duty imposed by section 14(1)(b) of the Act.

Background

By application dated 11 April 2015 (hereinafter referred to as "the Application"), the Tenant applied to the Private Rented Housing Panel (hereinafter "the PRHP") for a determination of whether the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the Act.

The Application stated that the Tenant considered that the Landlord had failed to comply with the duty to ensure that the House meets the repairing

standard and, in particular, that the Landlord had failed to ensure compliance with the following paragraphs of section 13(1) of the Act:

*“(b) 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,
(c) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
(d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order...”*

The Tenant complained of a number of defects in the House.

By letter of 28 April 2015, the President of the PRHP intimated a decision to refer the application under section 23(1) of the Act to a Private Rented Housing Committee (hereinafter referred to as “the Committee”).

The Committee comprised the following members:

John McHugh, Chairperson
Ian Mowatt, Surveyor Member

The Committee served Notice of Referral in terms of Paragraph 1 of Schedule 2 to the Act upon the Landlord and the Tenant.

Shortly before the hearing, the Committee was informed that the tenancy had been terminated. The Committee decided under paragraph 7(3) of Schedule 2 to the Act to continue to determine the application.

The Committee inspected the House on 19 June 2015. The Landlord and their letting agent were present. The Tenant was neither present nor represented.

Following the inspection, the Committee held a hearing at Hamilton House Tribunal Suite, Caird Park, Hamilton. The Committee considered the written evidence submitted by the parties and heard representations from the Landlord. The Tenant was neither present nor represented.

Submissions at the Hearing

The Landlord advised as follows:

Any broken door handles had been replaced.

There was no known problem with the electrics which caused lightbulbs to blow, as the Tenant had claimed. An Electrical Installation Condition Report had been carried out and had identified no issues.

The steps in the front garden had been repaired although the Landlord considered that their condition had always been sufficiently good to meet the repairing standard.

There had been an issue with a blocked drainage pipe in the rear garden but this had been addressed via the Landlord's insurers and all repairs have been completed. The Landlord produced email confirmation from his insurers that the repairs had been completed.

The Landlord advised that they had always ensured that repairs were carried out promptly whenever relevant issues were brought to their attention.

Summary of the Issues

The issue to be determined is whether the House meets the repairing standard as laid down in section 13 of the Act and whether the Landlord has complied with the duty imposed by section 14(1)(b).

Findings in Fact

The Committee confined their inspection to the items of complaint detailed within the Tenant's Application.

The Committee made the following findings in fact:

The Landlord and the Tenant entered into a Tenancy Agreement in respect of the House on 8 May 2013.

The Landlord was recorded on the Lease as Mr and Mrs Roberts.

Gordon Francis Roberts and Jacqueline Anne Roberts are the registered owners of the House.

The Tenant occupied the House from 8 May 2013 until shortly before the date of the hearing.

The provisions of Chapter 4 of Part I of the Act apply to the tenancy.

The Tenant notified the Landlord of the defects in the House which are now the subject of the Application by text messages of 11 August 2013 and 19 January 2015.

The inspection on 19 June 2015 revealed:

The property is an end terraced house which appears to be in good general condition.

There were satisfactory door handles on the internal doors.

All electrical installations appeared to be in good working order and lights were able to be switched on without lightbulbs “blowing”.

The exterior steps, paths and driveway were in reasonable condition and some repairs had been carried out recently.

Works to repair the broken drain appeared to have been carried out satisfactorily and water appeared to drain away normally when the toilet was flushed and bathroom taps were switched on.

Reasons for the Decision

There were no broken door handles.

There was no evidence of any problem with the electrical systems. The Landlord had provided an Electrical Installation Condition Report confirming that the electrical installations were satisfactory.

The exterior pathways, driveway and stairs were all in fair condition.

There was evidence that the drainage problem had been resolved by professional repair.

Decision

The Committee, considering the terms of section 13(3) of the Act, determined that the Landlord had not failed to comply with the duty imposed by section 14(1)(b) of the Act.

The decision of the Committee was unanimous.

Right of Appeal

Section 64 of the Act provides a right of appeal to a landlord or tenant aggrieved by a decision of a private rented housing committee. An appeal may be made to the Sheriff within 21 days of the Landlord or Tenant being informed of the decision.

Where such an appeal is made, the effect of the decision and 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. MCHUGH

John McHugh
Chairperson

Date: 23 June 2015