



Private Rented Housing Committee

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

Re: 53/4 West Saville Terrace, Edinburgh EH9 3DP (“the Property”)

Sasine Register Electronic Search Sheet Number: 66938

The Parties:-

**MR BILLY DEMPSTER, residing at 53/4 West Saville Terrace, Edinburgh EH9 3DP
 (“the Tenant”)**

**MRS FIONA BLACKWOOD DOBSON or BLAIR, residing c/o Braemore Lettings,
Orchard Brae House, 30 Queensferry Road, Edinburgh, EH4 2HS (“the Landlord”)**

Committee members:-

Richard Mill (Chairman) and Charles Reid Thomas (Surveyor Member)

Decision

The committee, having made enquiries for the purposes of determining whether the Landlord has failed with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”) in relation to the Property, determined that the Landlord has not failed to comply with the duty imposed by Section 14(1)(b) of the Act in respect that the Property does meet the Repairing Standard.

Background

1. By way of application dated 20 April 2015 and received on 30 April 2015 the Tenant 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 Act in respect of the Property.

2. In the application the Tenant stated that the Landlord had failed to comply with their duty to ensure that the house meets the Repairing Standard in a number of respects. The relevant aspects of the Repairing Standard put at issue are those contained within Section 13(1)(a) which is in the following terms:-
 - whether the house is wind and watertight and in all other respects reasonably fit for human habitation.
3. The main complaint of Tenant was that there were ongoing damp and mould problems in one bedroom of the property which rendered the room unusable. It was stated that despite reports to the Landlord's agents 6 months prior to the Application being made, no attempt had been made to resolve the difficulty. Furthermore it was suggested that there was also damp in the bathroom and that the master bedroom window required repair.
4. Notices of Referral were issued to parties on 6 November 2015.

Inspection

5. The committee inspected the Property on 15 December 2015 at 1.30 pm. The Tenant invited the committee members into the Property and directed them around. The Landlord had been invited. Neither she nor her agent attended.

Hearing

6. Following the inspection of the Property the committee convened a Hearing at George House, Room D8, 126 George Street, Edinburgh EH2 4HH. No one joined the committee. The Tenant advised at the inspection that as all works had been undertaken he did not see the need to attend. The Landlord's agent had confirmed in advance that they would not be attending.

Summary of the issues

7. The issues to be determined by the committee are whether or not the Property meets the Repairing Standard to the extent put at issue within the application, as at the date of the Hearing. The focus of the committee's investigation related to the complaints as specified within paragraph 3 above.

Findings in Fact

8. The committee makes the following findings in fact:
 - 8.1 The title to the subjects known as 53/4 West Saville Terrace, Edinburgh EH9 3DP is held by the Landlord. Her interest is registered in the Sasine Register of Scotland on search sheet number 66938.
 - 8.2 The parties entered into a Short Assured Tenancy in relation to the Property on 8 October 2014. The tenancy continues.
 - 8.3 The Property which is the subject of this application is a 2 bedroomed first floor flat within a traditional tenement building.

8.4 In relation to the matter complained of in the application the committee's inspection revealed:-

- i. New extractor fans had been fitted in the kitchen and bathroom.
- ii. The bathroom and rear bedroom, being the locations of former damp had been recently treated and freshly decorated. There was no ongoing evidence of excessive moisture or damp.
- iii. The window in the front master bedroom complained of had been repaired and was functioning properly.
- iv. Reference is made to the annex of photographs which is attached and which were taken at the time of the committee's inspection.

Reasons for the Decision

9. The committee determined the application having regard to the bundle of papers (which had been made available in advance to parties) and their inspection. An email dated 8 December 2015 with representations from the Landlord's agent had been received and was considered.
10. The committee was only able to consider the Tenant's complaints which formed part of the intimated application. The committee was also under an obligation to consider the Tenant's complaints as at the time of the inspection on 15 December 2015.
11. The committee was satisfied having regard to all of the available evidence that there was sufficient information and material upon which to reach a fair determination of the reference.
12. The representations from the landlord's agent which referred to a number of items of work undertaken over recent weeks to remedy the matters of disrepair raised by the tenant in the application. Reference was made to mechanical extractor fans having been installed within the kitchen and bathroom. The bathroom and bedroom which had been affected by mould had been redecorated. Necessary repairs to the bedroom window complained of had been effected.
13. Reference is made to the committee's findings and in particular those made on the basis of the inspection found within paragraph 8.4 above. The committee is satisfied that all components of the Repairing Standard are met.
14. The tenant acknowledged at the inspection that the work required to meet his complaints had been undertaken. It was not suggested by him that there were outstanding matters of concern regarding the state of the property. He was however unhappy that his enjoyment of the property had been adversely affected for some months. It does regrettably appear that there was some delay in the necessary work being instructed and undertaken. The last piece of work was completed the day before the inspection.

Decision

15. The Property does meet the Repairing Standard. The Landlord has complied with their duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006. A Repairing Standard Enforcement Order is not necessary.
16. It was noted that there was one battery operated smoke alarm fitted to a door frame within the hallway. It was not functioning. The Landlord and their agent should be aware of the need to ensure that there is adequate detection for fire and suspected fire. New requirements also came into force with effect from 1 December 2015 regarding the provision of carbon monoxide detectors and electrical compliance.

Right of Appeal

17. 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 of the Act

18. Where such an appeal is made, the effect of the decision and of any order made, 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 date on which the appeal is abandoned or so determined.

M. MURRAY

witness
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Margaret Johnstone Murray
21 Stafford Street
Edinburgh
EH3 7BJ

Legal Secretary

R. MILL

chairman

Date: 23 December 2015

Davidson & Robertson

RURAL

Photographic Record of: 53/4 West Saville Terrace, Edinburgh EH9 3DP
Date of Inspection: 15th December 2015



53/4 West Saville Terrace



New extractor fan and redecorated kitchen



New extractor fan and redecorated bathroom



Repaired Window