



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

prhp Ref: PRHP/RP/15/0167

Re : Property at 5 Dunbar Court, Glenrothes, KY6 1JW (“the Property”)

Land Register Number: FFE46710

The Parties:-

Miss Chelsea McLauchlan, formerly 5 Dunbar Court, Glenrothes, KY6 1JW (“the former Tenant”)

Mr Michael Begg, Mr Daniel David Gourlay & Ms Caroline Gourlay, care of To Letting, 16 North Street, Glenrothes, KY7 5NA (“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 house concerned, and taking account of the written evidence submitted by the former Tenant and the written and verbal evidence provided by the Landlords, determined that the Landlords have not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 25 May 2015, the former 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 former Tenant stated that the former Tenant considered that the Landlords had failed to comply with the duty to ensure that the house meets the repairing standard and in particular that the Landlords had failed to ensure that:- the house was wind and water tight and in all other respects reasonably fit for human habitation, that 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 and that any fixtures and fittings and appliances provided by the Landlords under the tenancy 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 23 (1) of the Act to a Private Rented Housing Committee.
4. 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 former Tenant.
5. The Private Rented Housing Committee (comprising Mrs Judith Lea, Chairman and Legal Member, David Hughes-Hallett, Housing Member and Sara Hesp, Surveyor Member) inspected the Property on 26 August 2015. The Landlords were represented by Daniel David Gourlay who advised that the former Tenant had now left the property. A new Tenant was in occupation and allowed the Committee access.

6. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Drummonds Hotel, Balbirnie Street, Markinch, Glenrothes. Daniel David Gourlay attended and confirmed that he was representing all three Landlords. He confirmed that the former Tenant had left the property. This being the case the former Tenant was not in attendance, no longer being a party to the proceedings.
7. The Committee heard submissions from Mr Gourlay on behalf of the Landlords. The Committee considered each of the issues raised by the former Tenant.
8. **Toilet Cistern, Toilet Seat, Plumbing System in the Bathroom and Toilet Leak**
It was clear from inspection and from the documentation provided by the Landlords that the toilet cistern had been repaired, there was a new toilet seat, there was no evidence of any leaking from the plumbing system, the toilet was able to be flushed satisfactorily, the window in the bathroom opened and there was no current damp mould on the windowsills. There was also no evidence of any ongoing problem with damp penetration or water ingress. It appears that the sink has the same outlet as the bath but this has no impact on the state of repair or working order of either the bath or the sink. It was clear that the Landlords had carried out a lot of work in the bathroom and had redecorated.
9. **Socket in the Porch**
It was clear from inspection that there appeared to be an electrical socket which was behind a built in unit and was not accessible. There appeared to be an extension cable plugged into this. The Committee could not ascertain whether or not the socket was turned on or useable. It would be sensible however in the interests of safety, for the Landlords to ensure that the extension cable is disconnected so that this inaccessible socket cannot be used.
10. **Faulty Kitchen Drawer and Kitchen Shelf, Water Ingress into the Kitchen Ceiling**
The former Tenant complained about the kitchen shelf being too close to the cooker and there being a faulty kitchen drawer. On inspection the Committee found all the drawers to be in a proper state of repair and there was no evidence that the location of the shelf is causing any particular problem. The Landlords had completely redecorated the kitchen and painted the ceiling. Although there was slight evidence of historical damp staining, there was nothing to suggest that there was an ongoing problem. The Landlords however may wish to keep an eye on this.
11. **Light at Outside Shed**
The former Tenant claimed that the light for the shed outside did not work. The new Tenant advised that she did not know if it was working and was unable to give the Committee access to the shed as her husband had the key. It was accordingly not possible for the Committee to ascertain whether or not this light was in working order.
12. **Threshold between the Bedroom and the Hall**
The former Tenant complained that the laminate flooring in the doorway of the bedroom was sticking up and was a trip hazard. This laminate appeared to have been nailed down. The Committee however noted that it was still a little loose and could easily become a trip hazard and accordingly would suggest that the Landlords investigate whether anything further requires to be done to the flooring.
13. **Gas Box**
From inspection it appeared that the external box on the outside of the house was in a satisfactory condition and the Landlord was able to produce a satisfactory up to date gas safety certificate.
14. The Committee considered that the Landlords had been very helpful in providing documentation for the Committee and carrying out work at the property to rectify all the issues. The Landlords advised that the damp problem in the property had been caused by condensation and by the former Tenant's use of the property. He lodged photographs to show the state of the property prior to having carried out the works. The new Tenant

appeared quite happy with the state of repair of the property. Photographs from the inspection are shown in the attached schedule.

15. The Committee considered that there was no need to make a Repairing Standard Enforcement Order in this case.

Decision

16. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
17. The decision of the Committee was unanimous.

Right of Appeal

18. **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.**

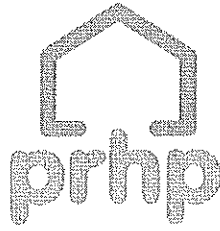
Effect of section 63

19. 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.....
Chairperson

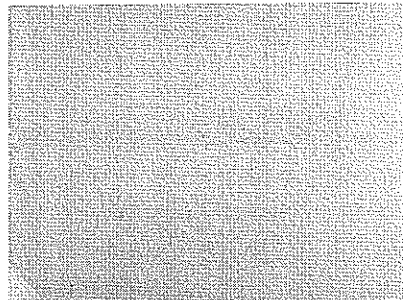
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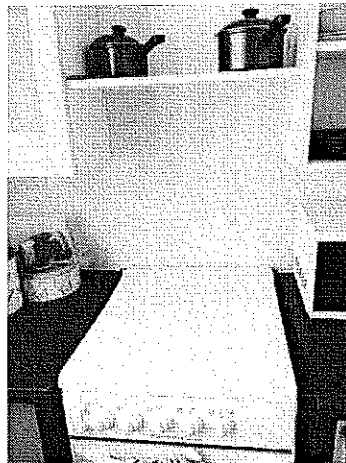
Schedule of photographs taken during the inspection of 5 Dunbar Court,
Glenrothes, Fife KY6 1JW by the Private Rented Housing Committee on 26
August 2015



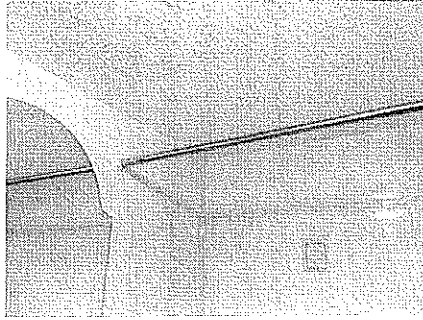
Front elevation



Dampstaining to kitchen ceiling



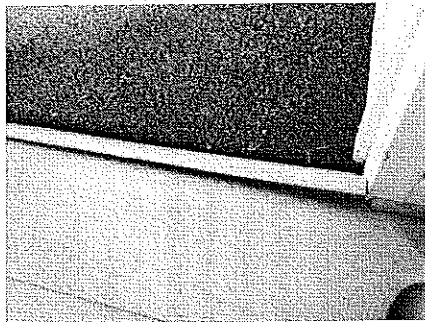
Shelf above cooker



Bathroom ceiling



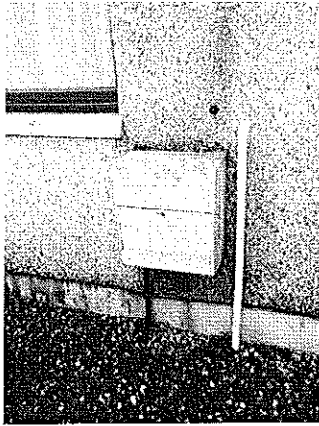
Toilet in bathroom



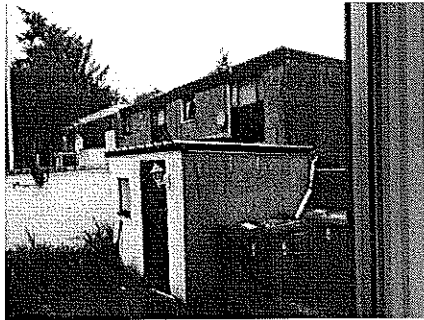
Door threshold -- bedroom/hallway



Extension wire emerging from behind unit – near front door



Gas meter box



Shed

J LEA

Signed
Chairperson