

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

Ref: PRHP/RP/15/0182

PROPERTY at Flat 5/1, 8 Cranston Street, Glasgow, G3 8GG, being the subjects registered in the Land Register of Scotland under Title Number GLA 185240 ("the property")

Parties

Application received from Mr Stuart Muirhead, residing at the house ("the Tenant")

Mrs Caroline Ann Crow and Mr Stanley Crow, residing at 28 Ashby Road, Hinckley, LE10 1RR ("the Landlords")

Messrs Let-it, Letting Agents, having a place of business at 123 Stockwell Street, Glasgow, G1 4LT ("the Landlords' Agents")

Decision

The Private Rented Housing Committee ("the Committee"), having made such enquiries as it saw fit for the purpose of determining whether the Landlords have complied with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the property concerned and, taking account of the evidence led by both the Landlords and the Tenant in writing and the evidence provided by the Landlords at the hearing, determined that the Landlords have not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

The Committee consisted of:-

Mr Andrew Cowan – Chairperson
Mr George Campbell – Surveyor Member
Ms Elaine Munroe – Housing Member

Background

1. By application dated 25 May 2015, the Tenant applied to the Private Rented Housing Panel for a determination as to whether the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Act.
2. The Tenant had detailed in his application the issues which he believed the Landlords required to repair in order to bring the property up to the repairing standard. The Tenant's complaint centred around the fact that the property had on-going issues with damp and mould since the beginning of March 2015 when there have been leaks of water from elsewhere in the building which had caused significant water damage to the property and which had resulted in parts of the property becoming damp and suffering from mould. In support of his application, the Tenant has submitted photographs of various parts of the property which show the effect of the dampness. The Tenant considered that, in all the circumstances, the Landlords had failed to ensure that the property continued to meet the repairing standard, and in particular, that the house was not wind and watertight and in all other respects reasonably fit for human habitation in terms of Section 13(1)(a) of the Act.
3. By letter dated 20 July 2015, the President of the Private Rented Housing Panel intimated a Decision to all parties that the application made by the Tenant had been referred to a Private Rented Housing Committee for determination.
4. By email dated 31 August 2015, the Tenant emailed the offices of the Private Rented Housing Panel to advise that he wished to cancel his complaint.
5. On 4 September 2015, the Committee issued a Minute of Continuation to a Determination in which they determined that the Committee would continue to consider the application (notwithstanding that the Tenant had intimated that he had withdrawn his application). In reaching that decision the Committee took account of the potential risk to the health and safety of occupiers of the property due to the nature of the repairs alleged by the Tenant.
6. On 4 September 2015, the Committee issued Directions in terms of Regulation 14 of the Private Rented Housing Panel (Applications and Determinations) (Scotland) Regulations 2007, in which they directed the Landlords to ensure that the Committee were provided access to the property and further directed the Landlords to provide further information in relation to correspondence

they had from the factor relative to issues which had arisen at the property. At the same time the Committee advised the Landlords that the Committee wished to inspect the property on 1 October 2015 and to hold a hearing in relation to the application on that date.

7. By letter dated 4th September 2015, the Landlords' agents intimated to the Committee extensive email correspondence they had between the agents and the Factors of the development in which the property is situated.
8. The Committee proceeded with the inspection on 1 October 2015. The inspection was attended by all members of the Committee. The Landlords were represented by Mr Brody McGregor, a representative of the Landlords' agents, Messrs Let-it. The Tenant was not in attendance at the inspection.

The inspection

9. Photographs were taken during the inspection by the Committee. Copies of the photographs taken by the Committee are attached as a schedule to this report.
10. At the inspection the Committee noted that extensive works had been carried out to the hallway and living room of the property, where plaster work had been removed and repaired. In addition, the Committee noted that there had been further extensive plaster works carried out to the common hallway outside the property. The Committee noted in particular that there was no evidence of any on-going water ingress and/or dampness, either within the property or in the common hallway outside the property.

The hearing

11. The hearing was attended by Mr Brody McGregor, the representative of the Landlords' agents.
12. The Committee discussed the Tenant's complaints with the Landlords' agent. In compliance with the Committee's earlier direction of 4 September 2015, the Landlords had provided the Committee with copies of extensive correspondence which the Landlords had taken forward with the Factor of the property. From that correspondence the Committee were satisfied that the Landlords had taken reasonable steps to address the issue of water ingress to the property which emanated from another flat within the development - to which the Landlords had no immediate rights of access. The Committee had noted from their own observations at the inspection that,

since the date the Tenant raised his application, extensive works have been carried out to the property. The Landlords were able to assure the Committee that the source of the water ingress had now been identified and addressed, and that sufficient works had been carried out to the property to ensure that it was no longer affected by continuing dampness and/or water ingress.

Decision

- 13. Having inspected the property and having considered the written representations made by the parties, together with further representations made by the Landlords at the hearing and, taking account of the Committee's own observations at the inspection, the Committee have determined that there is no evidence of any continuing failure by the Landlords to maintain the property at the repairing standard. The Committee have therefore determined that the Landlords have not failed to comply with any of the duties imposed by Section 14(1)(b) of the Act.
- 14. The decision of the Committee was unanimous.

Right of Appeal

- 15. 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

- 16. 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.

Sign **A. Cowan** te. 6/10/15
Andr

L. McManus
.....Witness

Laura McManus, Secretary, 7 West George Street, Glasgow, G2 1BA

Schedule to Decision Attached.

Photographs at inspection of 5/1 8 Cranston Street, Glasgow G3 8GG on 1 October 2015



01 - 5th floor landing (wall of flat 5/1)



02 - 5th floor landing (at window)



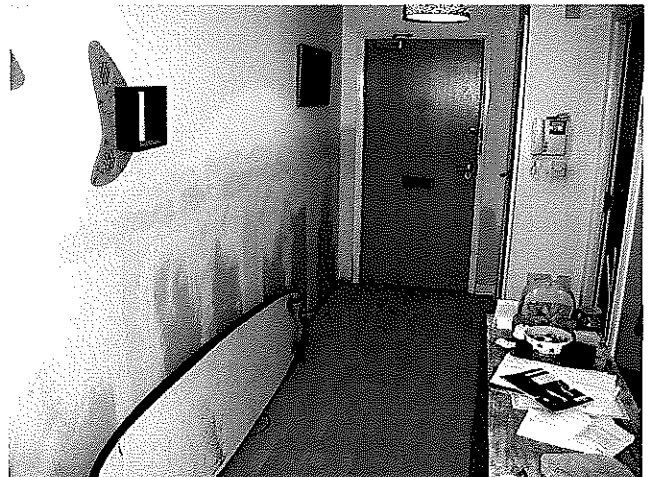
03 - 5th floor landing (flat 5/1 entrance)



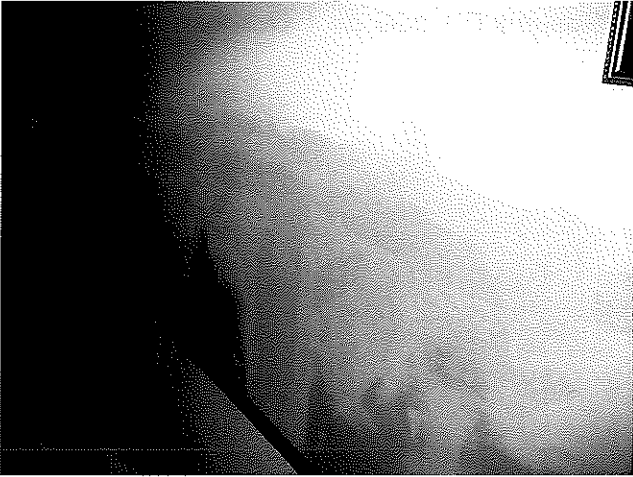
04 - 5th floor landing (flat 5/1 entrance on left)



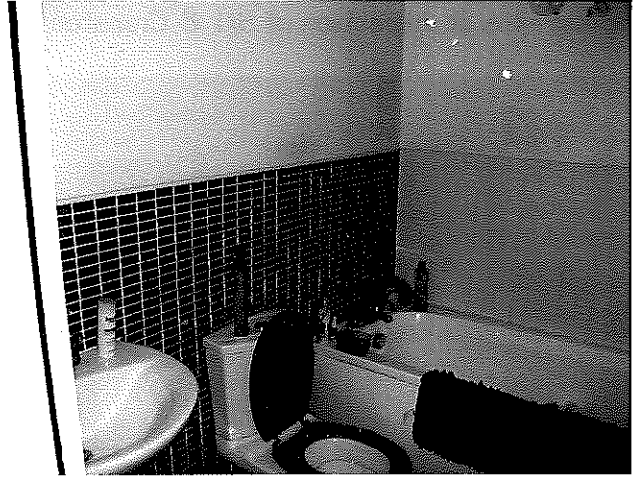
05 - 5th floor landing (flat 5/1 entrance)



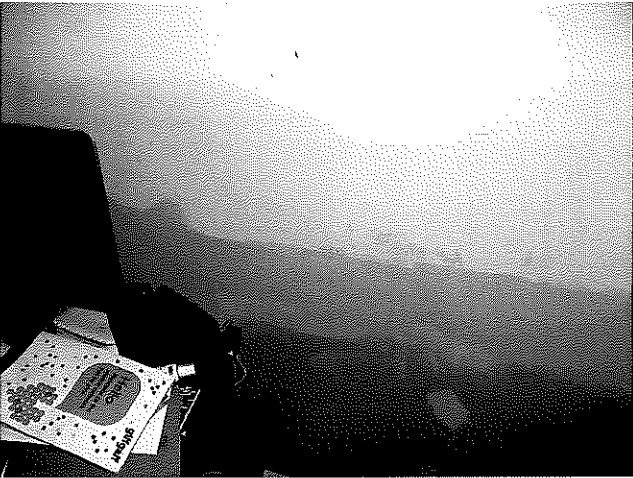
06 - Internal hall and flat entrance door



07 – Internal hall



08 – Bathroom



09 – Living room



10 – Living room