



PRIVATE RENTED HOUSING COMMITTEE

**DETERMINATION UNDER SECTION 24 OF THE HOUSING (SCOTLAND)
ACT 2006**

In connection with

THE PROPERTY

**Flat 1/1, 62 Kelvinhaugh Street, Finnieston, Glasgow G3 8PW, registered
in the Land Register for Scotland under title number GLA157337**

THE PARTIES

**Ms Ceilidh McConnachie, residing formerly at the property
(tenant & applicant)**

**Note: The application having been withdrawn; the tenancy under which
the application was made, having been lawfully terminated; and the
Committee having determined to continue with the determination of the
application in terms of Minute of Continuation dated 29 September 2015
under Schedule 2 Paragraph 7(3) of the Act there was no tenant**

and

**Mrs Lucia Yule, c/o Goodearl Property Management Ltd 147 Bath Street,
3rd Floor, Glasgow G2 4SN
(landlord)**

PRHP Ref: RP/15/0198

Decision

**The Committee, having made such enquiries as are fit for the purposes
of determining whether the landlord had 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 property, and
taking account of the representations by the landlords and the former
tenant, determined that the landlord had complied with the said duty.**

**Committee Members: – David M Preston (Convener); George Campbell
(Surveyor Member).**

Background

1. By application dated 6 July 2015 the former tenant and applicant sought a determination of whether the landlord had failed to comply with the duties imposed on her by section 14(1)(b) of the Act.
2. The applicant alleged that the landlord had failed to meet the Repairing Standard in respect that: the structure and exterior of the house (including drains, gutters and external pipes) were not in a reasonable state of repair and in proper working order; the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water were not in a reasonable state of repair and in proper working order; the house did not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
3. The applicant alleged that: the washing machine was broken; the kitchen extractor fan was broken; the kitchen window was broken; the couch and dining room chairs were broken; the shower cubicle door was broken; there was damp in the built-in cupboard of the second bedroom; there was peeling plaster above the window in the living room; the flooring in the ensuite bathroom was heavily stained and got wet every time the shower was used as the door would not close properly; the linoleum floor was bubbling with air; the carpets in the bedrooms were both stained and worn; there was no adequate smoke detection system in the property.
4. In a letter dated 1 September 2015 the landlord, through her agents, advised that she intended to attend to the necessary work within the property. By email of 9 September 2015, the tenant confirmed that the landlord had begun to rectify the problems within the property and carry out the necessary work. On 22 September 2015 the Committee issued a Minute of Continuation having decided to continue to determine the application in terms of Schedule 2, Paragraph 7 (3) of the Act.
5. On 9 December 2015 the Committee attended at the property for the purpose of carrying out an inspection. The Committee found that the applicant had vacated the property which had been re-let to other tenants.
6. On inspection the Committee noted that all the outstanding repairs complained of by the applicant had been attended to, although no smoke detector had been installed. The landlord's agent, who was in attendance at the inspection advised the Committee that instructions had been issued for a smoke detector unit and carbon monoxide detector to be fitted the week following the inspection and undertook to produce: an Electrical Installation Condition Report (EICR); a Gas Safe Certificate; and an installation certificate in respect of the fire detection and alarm system.
7. In view of the undertakings given by the landlord's agent, the Committee agreed to continue consideration of the application to allow submission of the relevant certificates.
8. By email dated 10 December 2015, the landlord's agent submitted an up-to-date EICR together with landlord's Gas Safety certificate and by email dated 15 January 2016 the landlord's agent submitted an installation certificate in respect of fire detection and alarm.

9. Accordingly the Committee determined that the landlord had complied with the duty imposed by section 14 (1) (b) of the Act.

Right of Appeal

A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of section 63

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 were be treated as having effect from the day on which the appeal is abandoned or so determined.

02-Feb-16

David M Preston

X

CHAIRMAN

Signed by: DAVID MICHAEL PRESTON