



Private Rented Housing Committee

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

Re: 19 Howdenhall Drive, Edinburgh EH16 6UL (“the Property”)

Sasine Register Search Sheet number: 146544

The Parties:-

MS HEIKE VIETH, residing at 19 Howdenhall Drive, Edinburgh EH16 6UL (“the Tenant”)

MR RODERICK GRAEME MacFARLANE THOMSON and FLORA JEMIMA THOMSON, Spouses, residing together c/o RENT LOCALLY, 185 Leith Walk, Edinburgh EH6 8NX (“the Landlords”)

Committee members:-

Richard Mill (Chairman), Mike Links (Surveyor Member) and David Hughes Hallett (Housing Member)

Decision

The committee, having made enquiries for the purposes 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, determined that the Landlords have 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 18 July 2015, and received on 21 July 2015, the 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 Act in respect of the Property.
2. In the application the Tenant stated that the Landlords 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 Sections 13(1)(a) and (b) which are in the following terms:-
 - whether the house is wind and watertight and in all other respects reasonably fit for human habitation.
 - whether 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.
3. The complaints of the Tenant were specifically the following:-
 - It was alleged that the roof of the Property was insecure and not wind and watertight. In particular this had caused a squirrel infestation causing concerns for human habitation.
 - It was stated that electrical wiring and loft insulation was damaged and the attic area heavily soiled due to the infestation of squirrels.
4. Notices of Referral were issued to parties on 1 September 2015.

Inspection

5. The committee inspected the Property on 13 October 2015 at 10.00 am. The Tenant invited the committee into the Property and directed them around. There was no appearance by or on behalf of the Landlords.

Hearing

6. Following the inspection of the Property the committee convened a Hearing at 11.30 am in George House, Room D8, 126 George Street, Edinburgh EH2 4HH. Neither of the parties appeared nor were represented at the Hearing.

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 investigations 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 19 Howdenhall Drive, Edinburgh EH16 6UL is held by the Landlords. Their interest is registered in the Sasine Register of Scotland on Search Sheet number 146544 on 2 March 2012.
- 8.2 The Property which is the subject of this application is a two bedroom semidetached modern built dwelling house over two floors.
- 8.3 The parties entered into a Tenancy Agreement on 11 November 2011. The Tenant subsequently took up occupation of the Property.
- 8.4 In or about January 2015 the Tenant identified that squirrels had penetrated the roof space of the Property. This had caused internal damage including the destruction of loft insulation and animal waste.
- 8.5 The Landlords instructed repair works to the Property to be carried out. Such work was carried out in May 2015. There were two components. A Pest Control Company was instructed. Roof works were also instructed.
- 8.6 Despite the remedial action taken by the Landlords the difficulties with the squirrels entering the roof space of the Property continued. The Tenant complained further.
- 8.7 The Landlords instructed further significant roofing works to include the stripping of the existing roof coverings to the Property and the supplying and fit of new roof coverings. The Landlords also instructed internal action to be taken in respect of any damage caused by the infestation of squirrels.
- 8.8 In advance of the Inspection and Hearing vouching was produced on behalf of the Landlords specifying the extent of the further works to be undertaken indicating that such works would be completed by the time of the committee's Inspection and Hearing.
- 8.9 In relation to the matters complained of in the Application the committee's inspection revealed that the further substantial roof works and internal works to remedy the previous difficulties had been completed. The works had been completed recently and there was scaffold in situ around the Property together with a skip of waste materials awaiting to be removed. At the inspection the Tenant indicated that it was her understanding that all works necessary to remedy her complaints had been completed. The committee inspected matters for themselves. Reference is made to the attached annex of photographs. The committee were satisfied that the necessary works to resolve the former difficulties described had been completed to a satisfactory standard.

Reasons for the Decision

9. The committee determined the Application having regard to the bundle of papers, their inspection, together with the evidence taken at the Hearing.
10. The committee considered the Tenant's complaints which formed part of the intimated application. The committee were also under an obligation to consider the Tenant's complaints as at the time of the Hearing on 13 October 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 application.
12. The committee's findings as established at the time of their inspection (found within paragraph 8.9 of this Decision) formed the principal body of evidence and foundation for the committee's findings and was the principal basis of their decision.

Decision

13. The Property does meet the Repairing Standard. The Landlords have complied with their duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006. A Repairing Standard Enforcement Order is not necessary.

Right of Appeal

14. 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

15. 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.

Signed
Chairman

R. Mill

Date 15 October 2015