



Statement of decision of the Private Rented Housing Committee under Section 25 of the Housing (Scotland) Act 2006

prhp Ref:PRHP/RP/15/0334

Re : Property at 16C Stirling Street, Dundee, DD3 6PH ("the Property")

Land Register No: ANG26283

The Parties:-

Miss Emma Campbell, formerly of 16C Stirling Street, Dundee, DD3 6PH ("the former Tenant")

Mahomed Nassir c/o Baker Bradley Properties, 211A Albert Street, Dundee DD4 6QA ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the duty imposed by Section 14 (1)(b) in relation to the house concerned, and taking account of the evidence from the inspection and the written representations from the Landlord and the former Tenant, determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 4 December 2016, the former 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 Housing (Scotland) Act 2006 ("the Act").
2. The application by the former Tenant stated that the former Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure 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 Landlord under the tenancy are in a reasonable state of repair and in proper working order.
3. Having received confirmation from the former Tenant's representative that the tenancy of the house had been lawfully terminated and that accordingly in terms of Schedule 7(1) of the Act, the Tenant is to be treated as having withdrawn the application under Section 22(1) of the Act, the President of the Private Rented Housing Panel considered the application and decided to continue to refer the application to a Private Rented Housing Committee for a determination.
4. The Private Rented Housing Committee (comprising Mrs Judith Lea, Chairman and Legal Member and Geraldine Wooley, Surveyor Member) inspected the Property on 24 June 2016. The Landlord was represented by Mr Bradley and Mr Baker of Baker Bradley Properties.
5. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Caledonian House, Greenmarket, Dundee. No one attended the hearing.
6. Prior to the inspection and hearing, the Committee had issued a Direction requiring the Landlord to provide an up to date Electrical Installation Condition Report by a NICEIC or

ECA registered contractor in respect of the property. This was provided and did not highlight any issues of serious concern.

7. The front door to the property has been repaired and has a yale lock and new locking mechanism and accordingly the Committee did not find any breach of the Repairing Standard.
8. The Landlord's agents advised that the cooker had been replaced but that in any event the property was let unfurnished. The Committee explained that if a cooker is provided by the Landlord it has to be in proper working order. As the electric in the property was not turned on, it was not possible for the Committee to ascertain whether or not the cooker was in proper working order.
9. The former Tenant had also complained about the lack of hot water in the kitchen and bathroom indicating that there was a problem with the boiler that required to be resolved. The Landlord's agents explained that the boiler was quite large so it did take some time to heat up but that it did work properly and there was hot water. As the electric in the property was not on it was not possible for the Committee to check whether or not the hot water system was in proper working order. The Landlord's agents indicated that they would undertake to provide a letter from the electrician to confirm that the cooker and the hot water system were both functioning and in safe working order and would have this with the Committee within the next few days.
10. The Committee was of the view that if such a letter was produced in satisfactory terms within the next few days, it would not be necessary for the Committee to make a Repairing Standard Enforcement Order. An updated Electrical Installation Condition Report was provided showing the hot water to be in working order. The cooker was not shown to be working. However as the landlord provided evidence that the property is let unfurnished and the landlord advised that the cooker belongs to the former tenant and the EICR shows that the cooker circuit is in working order the Committee did not consider it necessary to make an order in relation to the cooker. Before re-letting the property however the landlord should ensure that if the cooker is not in proper working order it is removed and that a safe fixed electrical power point suitable for a standard electrical cooker is available.
11. The Committee noted that the property does require some work to be brought up to the Repairing Standard and the Landlord should consider this prior to re-letting the property. For example, the flooring in the hall is currently a trip hazard. The landlord should also consider whether the property will reach the tolerable standard in relation to cooking facilities.
12. There was no gas in the property and accordingly no requirement for a gas safety certificate.

Decision

13. The Committee accordingly determined that the Landlord had not failed to comply with the duty 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.

J. LEA

Signed
Chairperson

Date

12/7/16