



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

prhp Ref: PRHP/RP/15/0341

Re : Property at Flat 5 Hillbank Halls, 1A Constitution Street, Dundee, DD3 6NF (“the Property”)

Land Register: ANG22439

The Parties:-

Mr Adam Casey-Rerhaye, Flat 5 Hillbank Halls, 1A Constitution Street, , Dundee, DD3 6NF (“the Tenant”)

Mr Gordon Lees, 8 Grange Gardens, Monifeth, Dundee, DD5 4NA (“the Landlord”)

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) in relation to the house concerned, and taking account of the evidence led by both the Landlord and the Tenant at the hearing, 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 received 14th December 2015 the 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 Tenant stated that the 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 were in a reasonable state of repair and in proper working order, that any fixtures fittings and appliances provided by the Landlord 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 Landlord and the Tenant.
5. The Private Rented Housing Committee (comprising Mrs Judith Lea, Chairman and Legal Member and David Godfrey, Surveyor Member) inspected the Property on 17 February 2016. The Tenant was present. The Landlord was represented by Gary Philips and Natalie Robertson from Rockford Properties Limited and Mike Hay from GL Residential (being the Landlord’s company).
6. Following the inspection of the Property, the Private Rented Housing Committee held a hearing at Kirkton Community Centre, Dundee and heard from the Tenant and from the Landlord’s agent. The Tenant was accompanied by three other Tenants who are currently living in the property. The Landlord was represented by Garry Philips and Natalie Robertson from Rockford Properties Limited and Mike Hay from GL Residential.

7. It was agreed by parties that the only issues which were still outstanding were the handle on the toilet cistern in bedroom 6, the broken external front door lock and the lack of properly fitting oven trays in the oven in the kitchen. It had been clear from inspection that the remainder of the issues raised in the Tenant's application had been rectified by the Landlord. New electric radiators have been provided in the living room, hall and bedroom 3, the lock on the spare bathroom was working, new window blinds had been provided to a number of the windows, new knobs had been fitted on the cooker and the hot water was now in proper working order in the kitchen. The Landlord's agent had indicated that so far as they were aware all the Tenants currently in the property did have keys for their rooms and the Tenant indicated that he was not aware that this was an ongoing problem.
8. The Landlord's agent advised at the hearing that the lock on the front entry door would be replaced within 24 hours. It was clarified at the hearing that there was a security entry system consisting of a lock on the front door and an intercom system. The intercom system was functioning properly but the lock on the front door was presently broken. The security entry system has never had the facility to have the front door opened by pressing a button in the flat. Accordingly once the lock on the front door is fixed the Tenants will require to come down to the front door to let callers in. The Tenants confirmed that they have no difficulty with this and would prefer the access to be secure. The Landlord's agent also confirmed that the oven trays would be replaced within 24 hours and the handle on the toilet would be replaced within the same timescale. The Landlord's agent also confirmed that the old radiators would be removed within a week and that they were already disconnected.
9. The Tenant confirmed that he was happy with this and the Landlord's agents undertook to provide photographs and invoices to show that this work had been undertaken.
10. In the circumstances the Committee was of the view that the outstanding works were de minimus in nature and accepted the Landlord's agent undertaking to have the matters rectified within the timescale suggested. The Landlord provided photographs within two days showing that the work had been done.
11. Photographs of the property are attached in the Schedule to this Decision.

Decision

- 12 The Committee accordingly determined that there was no need to make a Repairing Standard Enforcement Order in this case and decided that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
13. The decision of the Committee was unanimous.

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

15. 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.

Judith Lea

Signed
Chairperson

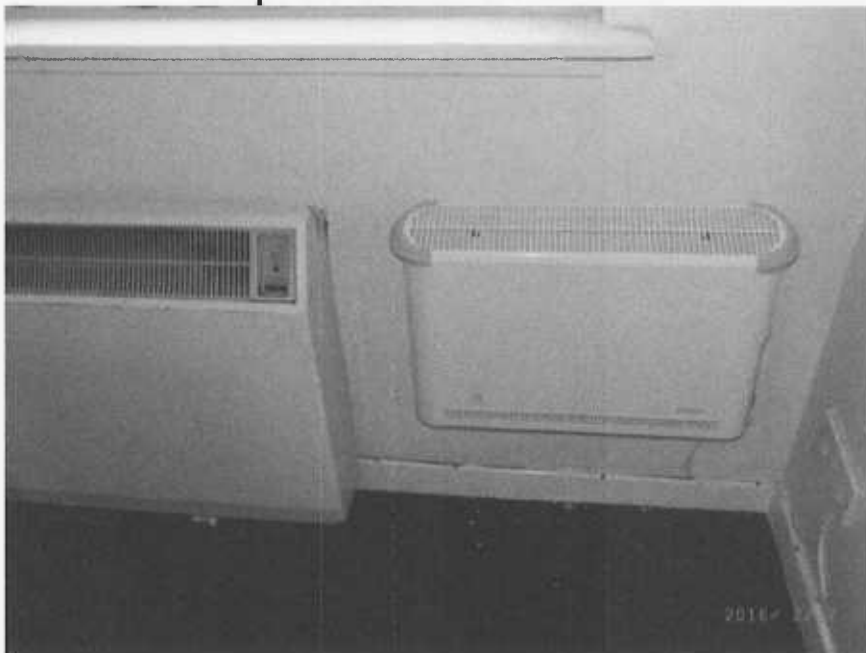
. Date 23 February 2016

SCHEDULE

Front elevation



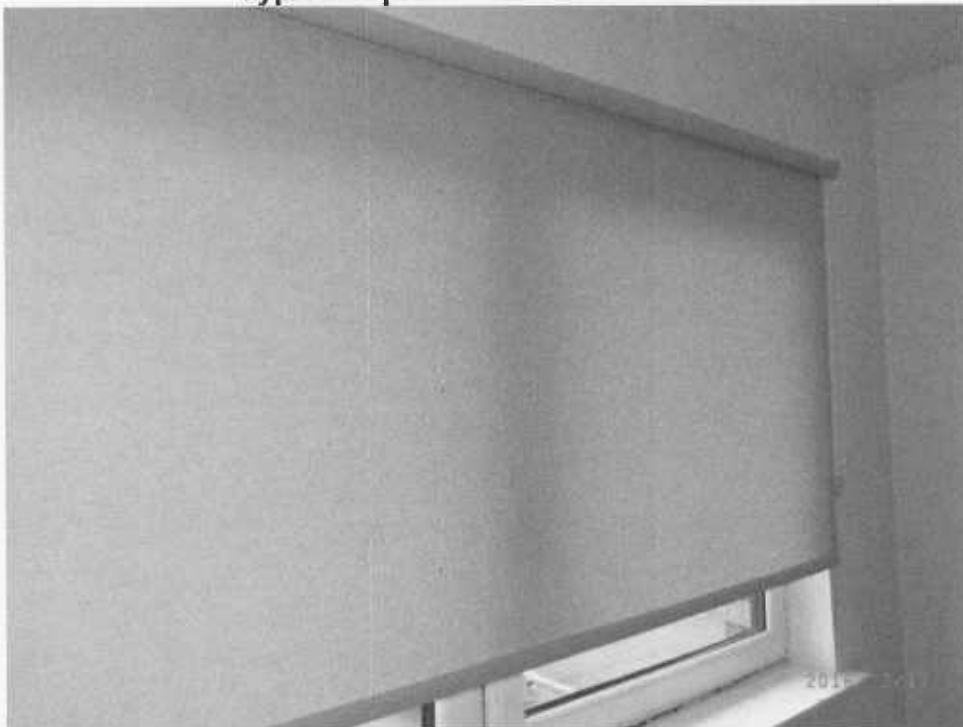
Replacement heater in Kitchen



Bathroom door lock



Typical replacement window blind



Cooker



Replacement water heater below Kitchen sink



Defective front door lock

