



Determination by Private Rented Housing Committee

Statement of Decision of the Private Rented Housing Committee issued under

Section 24(1) of the Housing (Scotland) Act 2006

Ref prhp/rp/15/0345

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 by Caroline O'Hare residing at 55 Doune Gardens, Gourrock, PA19 1EA ("the Tenant") against Deborah Aitkman residing at 19, Prestwick Place, Newton Mearns, G77 5AY ("the Landlord") per her Agents, Castle Estates, 14 Union Street, Greenock, PA16 8JJ

Re: 55 Doune Gardens, Gourrock, PA19 1EA ("the Property")

Committee Members

Karen Moore (Chairperson)

Andrew Taylor (Surveyor Member)

Background

1. By application received on 17 December 2015 ("the Application"), the Tenant applied to the Private Rented Housing Panel for a determination that the Landlord had failed to comply with the duty imposed on him by Section 14 (1) (b) of the Housing (Scotland) Act 2006 in respect that the Property does not meet the Repairing Standard in respect of Sections 13 (1) (a) of the Act.
2. The President of the Private Rented Housing Panel, having considered the application, intimated to the parties by Notice of Referral dated 11 January 2016, a decision under Section 23 (1) of the Act to refer the Application to a Private Rented Housing Committee, and, in terms of Schedule 2, Paragraph 1 of the Act fixed an Inspection and Hearing for 2 March 2016 at 10.00 a.m. and 11.00 a.m. respectively.

Inspection and Hearing.

3. Inspection took place on for 2 March 2016 at 10.00 a.m. at the Property. The Tenant had vacated the Property and was not present at the Inspection. The Landlord, the Landlord's father and Mr Neil Woodhead of the Landlord's Agent were present.
4. The Committee inspected the Property, which was unfurnished at the time of the Inspection, and the items of which the Tenant complained specifically in the Application, namely, areas of dampness in the living room and bedroom.

5. During the Inspection, Mr Woodhead pointed out to the Committee that the area of dampness in the living room complained about was where the Tenant had positioned a sofa and the area of dampness in the bedroom complained about was where the Tenant had positioned a bed, both items of furniture being placed against a wall.
6. The Committee took digital photos of the Property which form the Schedule annexed.
7. Following the Inspection, a Hearing was held at The Gamble hall, 44 Shore Street, Gourrock at 11.00 a.m. The Tenant not present at the Inspection. The Landlord, the Landlord's father and Mr Neil Woodhead of the Landlord's Agent were present.
8. At the Hearing, the Landlord referred the Committee to a survey carried out by Wise Property Care on 22 February 2016 and the 10 page Report thereon submitted to the Committee by the Landlord on 23 February which Report stated that there was no dampness in the Property and that mould growth was consistent with lifestyle condensation.

Summary of the Issues

9. The issues to be determined by the Committee are whether or not the Property meets the Repairing Standard in respect of Sections 13 (1) (a) of the Act at the date of the Inspection and Hearing. In particular, whether the Property was wind and watertight and in all other respects reasonably fit for human habitation.

Findings of Fact

10. The Landlord is the owner of the Property under title number REN22424 and Caroline O'Hare had been the tenant of the Property at the date of the Application in terms of a tenancy agreement between the parties dated 18 September 2015.
11. The subjects comprise a two apartment flat situated on the ground floor of a modern four in a block estimated to be in the region of 30 years old or thereby. The building is assumed to be of brick/block construction.
12. From the Inspection, the Committee found that there is no dampness in the Property. There is no evidence of condensation in the living room. There is mild evidence of condensation in the bedroom. As the Property has adequate unblocked wall vents and properly fitting windows, the Committee assume that the most likely cause of this condensation was the positioning of the bed.

Decision of the Committee

13. The Committee's decision was based on the Application, the Inspection, the Report submitted by the Landlord and the statements made to the Committee by the Landlord.
14. In respect of Section 13 (1) (a) of the Act, the Committee found that at the date of the Hearing the Landlord had not failed to comply with the duty imposed by Section 14 (1) (b) of the Act as the Property was wind and watertight and in all other respects reasonably fit for human habitation.
15. The decision is unanimous.

Right of Appeal

16. 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.
17. Where such an appeal is made, the effect of the decision and of any repairing standards enforcement 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 any repairing standards enforcement order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed

K. MOORE

Karen Moore, Chairperson

Date 2 March 2016

2 March 2016

*This is the schedule of photographs
referred to in the pre-gaming decision*



55 Doune Gardens, Gourrock, PA19 1EA

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Schedule of Photographs - Inspection Date 02/03/2016

Weather – Clear, cold and dry

K. MOORE



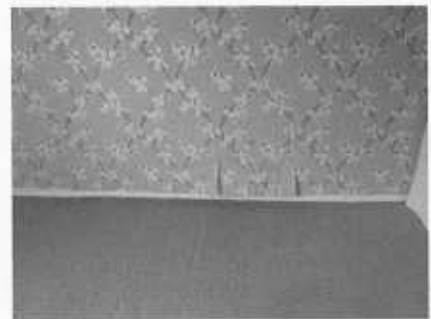
1. The property



2. Living Room



3. Living room wall – area metered



4. Bedroom wall - area metered



5. Hard-wired smoke alarm



6. Carbon monoxide and hard-wired heat detectors