



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

prhp Ref: PRHP/PA1/15/13

Re : Property at 45B Oakshaw Street East, Paisley PA12DD ("the Property")

The Parties:-

Mr Pauric Shea who resided at 45B Oakshaw Street East, Paisley PA12DD ("the Tenant")

Mrs Marie Farren, residing at 24 Nethercraigs Road, Paisley PA2 8SW ("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 property, 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 21<sup>st</sup> January 2013 the Tenants 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 Tenants stated that the Tenants 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:-
  - (a) the house is wind and watertight and in all other respects reasonably fit for human habitation;
  - (b) 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; and
  - (c) 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.
3. By letter dated 28<sup>th</sup> January 2013 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (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 Tenants.
5. Following service of the Notice of Referral the Landlord intimated to the committee that the Tenant had vacated the property and had returned the keys of the property to the Landlord.

6. The Private Rented Housing Committee inspected the Property on the morning of 11<sup>th</sup> March 2013. The Landlord was present during the inspection. The Tenant did not attend the inspection of the property.
7. Neither the Landlord nor the Tenant attended the hearing before the committee which had been scheduled to take place on 11<sup>th</sup> March 2013.
8. In his application, the tenant had submitted that :-
  - a. The shower in the property was faulty and did not operate properly
  - b. The property was cold and the windows required replacement as they allowed draughts to affect the property, and
  - c. The oven in the property did not operate correctly
9. Prior to the date of the inspection of the property, the Tenant advised that the faulty oven had been repaired by the Landlord.

#### **Summary of the issues**

10. The issues to be determined are
  - a. Whether the shower in the property is in proper working order; and
  - b. Whether the windows in the property are in reasonable state of repair and whether the property is wind and watertight.

#### **Findings of fact**

11. The Committee finds the following facts to be established:-
  - a. The shower in the property is in proper working order; and
  - b. The windows in the property are in reasonable state of repair and the property is wind and watertight.

#### **Reasons for the decision**

12. The committee based its decision primarily on the evidence obtained during the course of its inspection.
13. At the inspection the Committee tested the shower and noted that it was now operating properly.
14. At the inspection the Committee noted that the property was in a relatively modern block of flats. The windows were all single glazed. Whilst the committee noted that some of the windows were in need of a general overhaul, the committee were nonetheless satisfied that the windows were in a reasonable state of repair and proper working order. There was no evidence that the house was not wind and watertight.

#### **Decision**

15. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1) (b) of the Act.
16. The decision of the Committee was unanimous.

**Right of Appeal**

17. 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**

18. 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.

**A Cowan**

Signed ..... Date: 14 March 2013  
Chairperson

**L McManus**

..... Witness

Laura McManus, Secretary  
7 West George Street, Glasgow G2 1BA