



**Statement of Reasons of the Private Rented
Housing Committee under Section 26(1) of the
Housing (Scotland) Act 2006**

PRHP/RP/16/0024

Title Number: ANG40630

Re: The residential dwellinghouse at

**12 Lethnot Green
Carnoustie
Angus
DD7 6GU**

("the Property")

The Parties:-

**Mrs Geraldine Breen
resident at the Property**

("the Tenant")

and

**Mr Christopher Webster and Mrs Zoe Webster
The Bungalow
Kings Hall School
Kingston Road
Taunton
TAZ 8AA**

("the Landlords")

The Committee comprised:

**Mr Ron Handley - Chairperson
Mrs Geraldine Wooley - Surveyor Member**

The Committee's Decision

The Committee, having made such enquiries as it saw fit unanimously determined that the Landlords had complied with the requirement to ensure that the Property met the Repairing Standard as defined in section 13 of the Housing (Scotland) Act 2006 ("the Act").

Background

1. On 12 January 2016 the Tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Act.

The Application

2. In her application the Tenant alleged that the Landlords had failed to comply with the duty to ensure that the Property met the Repairing Standard. In particular it was submitted that the Landlords had failed to ensure that the Property had satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

The Inspection

3. The Committee inspected the Property at 10.00 hrs on 7 April 2016. The Tenant was present at the inspection as was her husband Mr Mathew Paul Breen. The Landlords did not attend the inspection and were not represented. Prior to commencing the inspection the Chairperson reminded the Tenant that the Committee could only consider matters which had been included in her application form and that the task of the Committee was to determine whether the Repairing Standard had been met.
4. Given the evidence and information before it, the Committee found that the Property met the Repairing Standard and advised the Tenant of these findings.
5. The Tenant advised the Committee that she would not be attending the Hearing and neither would her husband.

The Hearing

6. A Hearing was scheduled to take place in Kirkton Community Centre, Derwent Avenue, Dundee DD3 0AX at 12.15 hrs on 7 April 2016.
7. Ms Shona Milne and Mr Ronald Dailey (Direct Lettings) attended the inspection in Kirkton Community Centre on behalf of the Landlords.
8. The Chairperson confirmed that the Committee had inspected the Property at 10.00 hrs and that following that inspection had determined that the Repairing Standard had been met.
9. Mr Dailey advised that he considered that there had previously been a lack of clarity in regard to the nature of a landlords responsibilities for the installation of smoke alarms in their properties. He accepted that matters were now clearer. The Committee reminded Ms Milne and Mr Dailey that

letting agents had a duty to provide appropriate advice to their clients in regard to the provision of smoke alarms.

Findings

10. The Committee found the following facts to be established:
 - The Property is a detached house located at 12 Lethnot Green, Carnoustie, Angus, DD7 6GU.
 - On 11 May 2015 the Tenant (and her husband) entered into a Tenancy Agreement with the Landlords that related to the Property.
 - On or around 6 April 2016, smoke detectors were installed within the Property in the downstairs hall, the upstairs hall and the living room. A heat alarm was installed in the kitchen.
 - The smoke alarms are hard wired, interconnected and in proper working order.
 - The Property has satisfactory provision for detecting fires and for giving warning in the event of fire or a suspected fire.

Reasons

11. In the course of the inspection the Committee noted that smoke alarms had been installed in the downstairs hall and in the upstairs hall. A smoke alarm had also been installed in the living room and a heat alarm had been installed in the kitchen. The smoke alarms were all hardwired and were interconnected and in proper working order.
12. The Tenant advised that the smoke alarms had been fitted a few days before the inspection.

The Decision

13. The Committee determined that the Landlords had complied 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(s) or Tenant(s) aggrieved by the decision of a PRHP 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

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. 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.

R Handley

Signed
Chairperson

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Date 8 April 2016