



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

Reference Number: PRHP/RP/16/0037

Re: Property at Flat 0-2, 162 Garrioch Road, Glasgow, G20 8RN (“the Property”)

The Parties:-

Mr Stephen Greenland (“the Tenant”)

Mr Lawrence Scott Walters and Mrs Christine Ann Walters, Willow Cottage, 24 Spring Close, Eastbourne, BN20 9HD (“the Landlords”)

Decision

The Committee, having made such enquiries as it saw fit for the purpose of determining whether the Landlords have complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 (“the Act”) in relation to the property concerned and, taking account of the evidence submitted by both the Landlords and the Tenant, determined that the Landlords have complied with the duty imposed by Section 14 (1) (b) of the Act.

The Committee consisted of:-

Patricia Anne Pryce	-	Chairperson
Carol Jones	-	Surveyor Member

Background

1. By application comprising of all documents received in the period 26 and 27 January, both 2016, from the Tenant, the Tenant applied to the Private Rented Housing Panel (PRHP) for a determination as to whether the Landlord had failed to comply with the duties imposed by Section 14 (1) (b) of the Act.
2. The application by the Tenant stated that the Tenant considered that the Landlords had failed to comply with their duty to ensure that the

property meets the repairing standard and the Tenant brought forward the following breaches:-

That it took an excessively long time to repair the boiler, in excess of four months.

That there was an expectation of access to an unsafe area external to the property for day to day boiler maintenance.

The Tenant considers that the Landlords are in breach of their duties under the Housing (Scotland) Act 2006 in relation to the repairing standard and in particular the Landlords have failed to ensure:-

- (i) 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 Minute dated 29 January 2016 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. On 16 February 2016, the Private Rented Housing Committee ("the Committee") wrote to the Landlords and to the Landlords' agents, Messrs Let It, 123 Stockwell Street, Glasgow to advise that the Committee intended to inspect the property on 29 March 2016 at 11.00 hours. The letter further confirmed that a Hearing had been arranged in relation to the application, which Hearing would be held in Wellington House, 134-136 Wellington Street, Glasgow, G2 2XL commencing at 14.30 hours. Finally, the letter confirmed that any written submissions had to be received by the Committee by 8 March 2016.

5. On 22 February 2016, the Committee issued a Notice of Direction in terms of Schedule 2 Paragraphs 2(1) and 3(1)(b) of the Housing (Scotland) Act 2006 and Regulation 14 of the Private rented Housing Panel (Applications and Determinations)(Scotland) Regulations 2007, which Notice required the Landlords to provide to the Committee a report by a suitably qualified Gas Safe registered engineer to address the state of repair, working order and suitability of the location of the central heating boiler in the property. The Landlords produced said report on 3 March 2016 which had been compiled by Gas Heat Scotland Limited.

The Inspection

6. On 29 March 2016, the Committee attended at the property for the purposes of inspection of the property. The Tenant was not present as the Tenant had ended his tenancy on or about 30 January

2016. The Landlords' agent, Mr Chris Cockburn of Messrs Let It, attended at the property on behalf of the Landlords.

At the inspection the Committee noted the following points:-

- (a) The property comprises a three apartment ground floor flat located within a 4 storey traditional victorian red sandstone tenement. It is located in a predominantly residential area in the Maryhill district of Glasgow around 3 miles north-west of the city centre.
- (b) The accommodation comprises all on one level an entrance vestibule, a hallway, two bedrooms, a living room, a kitchen and a bathroom.
- (c) All of the radiators in the property were switched on and were warm to the touch. The property felt warm on entering.
- (d) There was running hot water in the kitchen.
- (e) The central heating boiler was not located in the flat. There was a large and insecure cupboard within the lower landing of the communal stairway of the tenement building in which the property was located. The Landlords' agent confirmed that the boiler was located in the basement of the building and that access to said basement was gained through the large aforesaid cupboard. However, on inspection, the cupboard was full of belongings and what appeared to be discarded items. The Surveyor Member of the Committee managed to gain access to the said cupboard and discovered that access to the basement was by way of an apparently unsecured wooden ladder down a six foot or thereby drop. There was no other means of access. The light in the cupboard did not function and there was no light in the basement. The Committee formed the opinion that it was unsafe for the Committee to attempt access to the basement and therefore the Committee did not succeed in viewing the said boiler.

The surveyor member of the Committee took several photographs which form the Schedule attached to this decision.

The Hearing

7. Only the Let It agent attended the hearing. Mr Brodie McGregor, employee of Let It, attended the hearing and represented the Landlords. No one else attended the hearing.

Mr McGregor confirmed that he was employed as a repairs administrator for Let It and had been so employed for around two years. He confirmed that the boiler had taken a long time to fix as there had been a number of issues with it but that it now functioned well. He further confirmed that at times the former Tenant could be very difficult to get a hold of.

Mr McGregor confirmed that the former Tenant of the property had always had access to a 24-hour emergency repairs help line when there was an emergency repair required. He confirmed that this would include the situation where a boiler did not work and the Tenant had been left without hot water or heating.

Mr McGregor disputed that there was anything unusual or wrong about the location of the boiler as he was of the opinion that a Tenant would never be expected to intrude with a boiler in any way at all.

When questioned by the Committee, Mr McGregor advised that a Tenant would never be expected to touch a boiler. Given this, Mr McGregor confirmed that there was no issue with the location of the boiler and that the Gas Safe registered engineer had confirmed that there was no safety issue with the location of the boiler.

The Committee asked Mr McGregor to consider the situation where, for example, there was simply an issue with the pressure in the boiler, would the Tenant not simply expect to be able to boost the pressure himself without requiring the attendance of an engineer? Mr McGregor was quite clear that if that were required then it would be fully expected that an engineer would be called out to attend to this and that all costs would simply be borne by the Landlords.

Given all of the circumstances, the Committee was satisfied 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.

Decision

8. The Committee accordingly determines that the Landlords have complied with the duty imposed by Section 14 (1) (b) of the Act.
9. The decision of the Committee was unanimous.

Observations

The Committee notes that the central heating boiler currently functions well and complies with the repairing standard. However, the Committee would simply note that the location of the boiler is unusual and unsatisfactory. The Committee notes that, despite the view of the Landlords' agent that a Tenant should never touch a boiler, the former Tenant of this property did attempt to access the boiler to try to obtain hot water and heating in the midst of winter. This response by a Tenant is not, in the Committee's view, unusual and could very well be repeated again in the future. The access to the boiler is not straightforward – indeed, the Committee did not deem it a safe enough route to attempt access to the boiler. Furthermore, in terms of the evidence provided by Mr McGregor, it would appear that the Landlords are expected to incur cost every time the boiler requires to be accessed. The Committee is of the view that it may be in both the Landlords' and any future Tenant's interest to have the boiler re-located within the property itself.

10. 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

11. 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.

P. PRYCE



Signed

Patricia Anne Pryce

Date 30 March 2016



Schedule of photographs taken during the inspection of 0/2, 162 Garrioch Road, Glasgow
G20 8RN
by the Private Rented Housing Committee on the 29 March 2016.

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External view - Front elevation of property



Stairs down to cupboard on left - view from ground floor entrance hall



Cupboard off lower landing



View of light in cupboard



Basement - view from back of cupboard



Basement access ladder