



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/16/0285

In respect of an application received on 6 September 2016 and lodged in terms of Section 22(1A) of the Housing (Scotland) Act 2006 ("the Act") by Mr. Oluseyi Adekoya residing at Flat 24, 38 Greenhill Road, Glasgow G73 2SQ in respect of the Property aftermentioned, against the owner of the Property, Mr. Stewart Howie, ("the Landlord"), care of his agent, Crawford Property Group, 4 Dryburgh Lane East Kilbride, Glasgow, G74 1BQ (the Landlord's Agent")

Re: Flat 24, 38 Greenhill Road, Glasgow G73 2SQ registered in the Land Register for Scotland under Title Number LAN149870 ("the Property")

Committee Members

Karen Moore (Chairperson)

Andrew Taylor (Surveyor Member)

Background

1. By application received on 6 September 2016 ("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 and having determined to continue the Application in terms of Schedule 2, Paragraph 7 (2) of the Act , intimated to the Landlord by Notice of Referral dated 4 October 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 26 October 2016 at 10.00 a.m. and 11.30 a.m., respectively.

Inspection and Hearing.

3. The Inspection took place on 26 October 2016 at 10.00 a.m. at the Property. The Tenant, the Landlord and the Landlord's Agent were all present at the Inspection.
4. The Committee inspected all of the matters complained of by the Tenant in the Application, namely the lounge and both bedroom windows and took digital photographs which form the Schedule annexed and executed as relative hereto.
5. Following the Inspection, a Hearing was held at Wellington House, Wellington Street, Glasgow on 20 July 2016 at 11.30 a.m. at which Tenant, the Landlord and the Landlord's Agent were all present.
6. The Tenant advised the Committee that the windows were not sealed properly and allowed cold air into the Property. The Tenant stated that a window contractor had inspected the windows at the Property and it was his understanding that the Landlord had refused to carry out the works recommended by the contractor.
7. The Landlord and the Landlord's Agent confirmed to the Committee that a window contractor had inspected the Property and had found that that the windows did not require to be repaired or replaced and so did not recommended that any works should be carried out.
8. Both parties advised and confirmed to the Committee that the Landlord had considered selling the Property to the Tenant but that this had not progressed and that the Landlord had served a Notice to Quit.

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.

Findings of Fact

10. The Landlord is the owner of the Property. Mr. Adekoya is the Tenant by virtue of a Short Assured Tenancy Agreement between them.
11. The Property is a top floor flat in a modern block and comprises one public room, two bedrooms, a kitchen and bathroom.
12. From the Inspection, the Committee found that the lounge and both bedroom windows open and shut properly and are properly sealed and meet the Repairing Standard. However, the Committee is of the view that windows would benefit from a service and that the jambs where the casements meet the frames should be cleaned in order to improve efficiency.

13. From the statements made to them the Hearing, the Committee accepted the Landlord's position that the window contractor found the windows to be in satisfactory condition and did not recommend any replacement or repair works.

Decision of the Committee

14. The Committee's decision is based on the Application with supporting documents, the Inspection and on the statements made to the Committee at the Hearing.

15. The decision is unanimous.

Observation by the Committee

16. The Committee noted at the Inspection that, within the Property, (i) the provision for detecting fires and for giving warning in the event of fire or suspected fire and (ii) the provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health do not appear to meet the current regulatory standards. The Committee suggests to the Landlord that if the Property is to be re-let, he provides and installs provision for detecting fires and for giving warning in the event of fire or suspected fire and for giving warning if carbon monoxide is present to the standards as set out in the Scottish Government's Technical Handbook 2013 Domestic Dwellings.

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.

18. 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

Karen Moore, Chairperson Date *12* November 2016



Flat 24, 38 Greenhill Road, Rutherglen, Glasgow, G73 2SQ
PRHP/RP/16/0285
Schedule of Photographs - Inspection Date 27/10/2016
Weather – Dry, cloudy



1. The Property



2. Window - Living room



3. Window - Living room



4. Window – living room



5. Window – Living Room



6. Window – Living room



7. Window – Bedroom 1



8. Cill - Bedroom 1



9. Window – Bedroom 1



10. Window Bedroom 2



11. Window Bedroom 2



12. Window Bedroom 2



13. Battery Smoke Alarm - Hall