

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

**Re: The residential first floor flat at 24 West Street, Dundee DD3 6XB**  
**("the Property").**

**The Parties:-**

**Ms Lesley-Ann McGregor**  
**resident at the Property**  
**("the tenant").**

**and**

**Flats 4 U Limited**  
**per City Keys Estate Agents,**  
**7a City Quay,**  
**Camperdown Road,**  
**Dundee DD1 3JA**  
**("the landlords").**

**The Committee's Decision**

**The Committee, having made such enquiries as it saw fit for the purposes of determining whether the landlords had complied with the duty imposed by Section 14(1) (b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the Property, and taking account of the written evidence before it, the Committee unanimously determined that the landlords had complied with the duty imposed by Section 14 (1) (b).**

**The Background**

- 1. On 27 November 2008 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.**
- 2. Following receipt of the tenant's application, the President of the PRHP intimated that the application should be referred to a Private Rented Housing Committee in accordance with Section 22(1) of the Act.**

3. The Committee served Notice of Referral on the landlords and the tenant in accordance with the terms of Schedule 2, Paragraph 1 of the Act.
4. The Committee inspected the property on 27 March 2009 at 10.00 am. The tenant was present during the inspection. The landlords were not represented at the inspection. The tenant and representatives of the landlords attended a Hearing after the inspection.

### **The Application**

5. In her application the tenant stated that she considered that the Repairing Standard had not been met as a consequence of the following issues:
  - The windows were in an unacceptable standard. There were gaps in the windows, they were not sealed, the wood was rotting and the hinges were broken. Moreover the windows were dangerous and the house was cold due to their poor condition.
  - It was submitted that there were large gaps under the doors and the doors didn't close properly.
  - It was suggested that there was dampness and mould in various rooms.
  - There were concerns regarding the structure of the building.
  - It was also suggested that the floorboards were in an unacceptable condition.

### **The Inspection**

6. In the course of the inspection, the Committee noted that all the windows in the Property had recently been replaced with new double glazed units. The tenant told the Committee that when the old window frames were being removed, areas of dampness were visible. These areas had been "dried out" before the new window frames were replaced.
7. The Committee noted that the front door in the house had been replaced.
8. The Committee also noted that hardboard had been laid over the original flooring to level the floors throughout the Property.

### **The Hearing**

9. A Hearing was held in Menzieshill Community Centre, Orleans Place, Dundee immediately after the inspection. As indicated, the tenant attended the Hearing as did Ms L Hedges and Ms S Miles on behalf of the landlords.

10. The Chairman introduced the Committee to the parties and reminded the parties of the issues which the Committee were required to consider and determine.

#### **The windows**

The tenant confirmed that all windows in the Property had recently been replaced and she had no concerns regarding the replacement windows.

#### **The doors**

The tenant also confirmed that the front door had been replaced and she had no concerns regarding the replacement door. She had no concerns regarding any of the internal doors within the Property.

#### **The Floorboards**

The tenant accepted that hardboard had been laid over the original flooring to level the floors throughout the Property and she was satisfied with the repaired flooring.

#### **Dampness/mould**

The Committee sought clarification from the parties with regard to the suggestion that there was dampness/mould within the Property. The tenant told the Committee that she had resided in the Property for about four years but the dampness first appeared in October 2008. The landlords had arranged for the gutters to be cleared of debris - this had been completed in January 2009. The tenant confirmed that since this had been done, the dampness problems appeared to have been resolved. Ms Hedges confirmed that the gutters had indeed been cleared in January 2009.

#### **Structural problems**

As indicated, the tenant expressed some concerns in her application form regarding the structure of the building and the common close being in a state of disrepair. At the Hearing the tenant was unable to provide any further details or evidence of this at the Hearing.

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

11. The issue to be determined by the Committee was whether the landlords had complied with the requirements of the Act in ensuring that the Property met the Repairing Standards.

#### **Findings of fact**

12. The Committee found that the landlords had addressed and resolved the issues raised by the tenant in her application and that the Repairing Standard had been met.

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

13. It was clear from the inspection of the Property (and from the evidence of the tenant at the Hearing) that the windows and the front door had been replaced and the floors repaired. As indicated, the Committee found no evidence of damp or mould within the Property. The Committee observed (from street level) that the gutters appeared to be in a reasonable state of repair. Given this and given the evidence of the appellant, the Committee concluded that the dampness in the Property (which had first occurred in October 2008) was likely to have been caused by water overflowing from the gutters and then entering the Property. The Committee's conclusion was confirmed by the evidence of the tenant who confirmed that no further water had penetrated the Property after the gutters had been cleared.
14. In relation to the general condition of the tenement block, the Committee noted (during the inspection) that whilst the close would no doubt benefit from redecoration, it appeared to be in a reasonable state of repair. Whilst there were some cracks in the walls of the close, there was no reason to have any concerns that they adversely affected the structure of the building.
15. In all these circumstances the Committee concluded that all the issues identified by the tenant in her Application Form had been remedied and consequently the Property met the Repairing Standards.
16. The decision of the Committee was unanimous.

**Right of Appeal**

17. A landlord(s) or tenant 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**

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. 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.

Signed.... **R Handley** ..... Date..... 4. APRIL 2009  
 Chairperson