

Determination by The Private Rented Housing Committee

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

Re : Property at 195E Albert Street, Dundee, DD4 6PX being the southmost house on the third floor at 195 Albert Street ("the Property")

The Parties:-

Ms Y McIntyre, 195E Albert Street, Dundee ("the Tenant")

Mr Scott Johnston, c/o of Holmes and Homes, 148 Albert Street, Dundee ("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 concerned, and taking account of the evidence provided by both the Landlord and the Tenant, determined that the Landlord had complied with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006.

Background

1. By application dated 19 October 2007, the Tenant applied to the Private Rented Housing Panel for a determination as to 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 Tenant stated that she considered the Landlord to have failed to comply with the duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that the house was wind and water tight and in all other respects reasonably fit for human habitation, that the structure and exterior of the house (including drains, gutters and external pipes) were in a reasonable state of repair and proper working order, that the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water were in a reasonable state of repair and in proper working order and that any fixtures and fittings and appliances provided by the Landlord under the tenancy were in a reasonable state of repair and proper working order and any furnishings provided by the Landlord under the tenancy were capable of being used safely for the purpose for which they were designed.
3. By a letter dated 19th November 2007 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 in terms of Schedule 2 paragraph 1 of the Act upon both the Landlord and the Tenant.
5. Following service of the notice of referral, the Tenant and the Landlord supplied further information.

6. The tenancy was lawfully terminated on 11 January 2008 and accordingly the application was treated as withdrawn.
7. The Committee however decided to continue to determine the application despite the withdrawal. It was not clear to the Committee whether there were still issues which required to be addressed by the Landlord.
8. The Private Rented Housing Committee inspected the property on 28 May 2008. The Landlord was represented by Mrs Robertson of Holmes and Homes. The Tenant was not present or represented.
9. It was clear from the inspection that a lot of work had recently been carried out by the Landlord and Mrs Robertson had receipts for the work done. There was no furniture in the property and Mrs Robertson advised that the property had been let to the Tenant part-furnished but the tenant had removed the furniture when she left. It was clear that the property had been re-painted, re-carpeted and a new cooker had been installed. Sink taps had been repaired. The facing on the inside of the front door had been repaired. The bath had been resealed and the heater in one of the bedrooms had been reattached to the wall.

Summary of the issues, findings in fact and reasons for decision.

There were a number of issues raised by the Tenant in this case. These are as follows:

- a. The Tenant submitted that the front door was rotten, poorly fitted and not secure. It was clear from the inspection that the front door facing on the inside had been repaired and the door was now secure. The door appeared to the Committee to be in an acceptable state of repair.
- b. The Tenant raised concerns with regard to the state of repair of the carpets. It was clear from the inspection that the carpets in the property had all been replaced.
- c. The Tenant raised concerns with regard to the decoration of the woodwork and the general decoration in the property. It was clear from the inspection that all the woodwork and walls had been repainted.
- d. The Tenant raised concerns with regard to damp in the kitchen, bathroom and bedroom but on inspection there was no evidence of damp in the property.
- e. The Tenant raised concerns with regard to a leak from the bath. Upon inspection it was clear that the bath seal along the side of the bath had been repaired.
- f. The Tenant raised concerns with regard to the heating in the property. It was clear from inspection that one heater had been reinstalled. Mrs Robertson stated that the heaters had recently been checked and the Committee saw nothing to suggest that the heating was not working properly.
- g. The Tenant also raised concerns with regard to a crack in the kitchen wall but upon inspection there was no evidence of this.
- h. The Tenant raised concerns with regard to a blocked drain in the kitchen and the kitchen tap being broken. Upon inspection the drain in the kitchen appeared to be working satisfactorily and the tap had been repaired.
- i. The Tenant submitted that there was a hole in the window of the front bedroom, but upon inspection there was no evidence of any such hole.

- j. The Tenant raised concerns with regard to the cooker being damaged. Upon inspection it was clear that the cooker had been replaced.

There was no evidence on inspection to suggest that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) in relation to the property. The Landlord has carried out any works which were necessary.

Decision

1. The Committee accordingly determined that the Landlord had complied with the duty imposed by Section 14(1)(b) of the said Act and resolved that it was unnecessary to make a Repairing Standard Enforcement Order.
2. The decision of the Committee is unanimous.

Right of Appeal

1. 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

2. Where such an appeal is made, the effect of the decision 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 will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed **J V Lea** Date..... **11/6/08**
Chairperson