

STATEMENT OF REASONS
in connection with
INSPECTION

HELD ON : 2nd MAY 2008

PROPERTY : Flat 3, 2 Kempock Street, Gourock PA19 1NA

1.0 The Parties

The Landlord is Steven Dhesi, c/o Castle Estates (Glasgow), 14 Union Street, Greenock PA16 8JJ ("the Landlord")

The Tenant is Susan Clark formerly of Flat 3, 2 Kempock Street, Gourock ("the Tenant")

2.0 Background

By application dated 12th March 2008 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14(i)(b) of the Housing (Scotland) Act 2006 ("the Act").

The application by the Tenant identified the following areas of disrepair which she considered that the Landlord required to remedy.

Dampness and water ingress from the windows in (a) the front bedroom; (b) the back bedroom; (c) the living room

- The kitchen radiator does not work
- The gas boiler is not up to standard
- The stair entry system and buzzer malfunction
- The front door of the flat has an insecure lock
- The landing light does not function
- The loft cover is missing
- The smoke alarm is not connected
- The convector fan in the bathroom does not function

These works are hereinafter referred to as "the Tenants required works". Thus the Tenant considers the Landlord is in breach of paragraphs (a), (c), (d) and (f) of the repairing standard as defined in Section 13 of the said Act.

3.0 The Inspection

The Committee attended at the property on the morning of 2nd May 2008. The Tenant and the Landlord's agent were present. The Committee inspected each of the Tenant's requires works. The Committee's observations and the comments of parties were applicable are as follows:-

- The windows in the back bedroom and living room are in working order and the surrounding area appears dry although there is some historic staining to the paintwork in the living room. The window in the front bedroom is a good fit and there is no evidence of dampness around the window area. It was conceded by the Tenant and the Landlord that any water ingress in the front bedroom was occasional and generally as a result of very extreme weather conditions.
- As at the date of the inspection the kitchen radiator was warm and was functioning properly.
- The gas boiler has not been cross-bonded. This was highlighted in the gas safety reports of 2006 and 2007. The Landlord's agent stated that this was not a mandatory requirement. The Tenant considered the lack of cross-bonding to be a safety issue.
- As at the date of the inspection the stair entry system and the buzzer were in working order.
- The front door of the flat was secure and a new Yale lock had been fitted.
- The landing light was in working order.
- The loft cover had been replaced.
- The air convector in the bathroom was in working order.
- There is a hard wired smoke detector system in the property.

At the conclusion of the inspection the Tenant conceded the repair work had been carried out with the exception of the cross-bonding to the gas boiler. The Landlord agreed that the cross-bonding was an outstanding item however he did not consider it "mandatory". After a short discussion neither party insisted upon a formal Hearing.

4.0 The Decision

The Committee considered submission made by the parties at the inspection, the whole written evidence, and observations made during the inspection.

The Committee determined as follows:-

The dampness and water ingress around the windows appears to be historic. There is no evidence of an ongoing problem. The property was wind and watertight and there is no breach of the repairing standard (Section 13(i)(a)).

The door entry system, buzzer, front door, landing light, loft cover and the bathroom convactor fan have either been repaired or replaced and are in proper working order. Accordingly there is no breach of the repairing standard (Section 13(i)(d)).

There is a hard wired smoke detector system in the property and accordingly there is no breach of repairing standard (Section 13(i)(f)).

The kitchen radiator was in proper working order at the date of the inspection . The cross bonding at meter and boiler is outstanding and is dealt with as an adjourned matter.

In reaching this decision the Committee have had regard to all the considerations required to be taken into account in terms of the Housing (Scotland) Act 2006.

Right of Appeal

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 this decision.

Effect of Section 63

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 date on which the appeal is abandoned or so determined.

A McCamley

Championson ~ p/hp

Notice of Adjourned Inquiry

To : Steven Dhesi c/o Castle Estate Agency

A Hearing was held on 2nd May 2008 into landlord compliance with the duties imposed by section 14(b) of the Housing Scotland Act 2006 in relation to the property at :

Flat 3
2 Kempock Street
Gourock

Part of the tenant's complaint related to the lack of cross bonding at meter and boiler which matter was a defect identified in the gas safety records for 2006 and 2007.

In terms of Paragraph 2 of Schedule 2 of the aforesaid Act the Private Rented Housing Committee may make such inquiry as they think necessary to determine whether or not a landlord has complied with the duty imposed by section 14 (1) (b) of the Act in relation to the house concerned. The Committee may require the Landlord to give the Committee by such day as they may specify such information as they may reasonably require.

The Committee have adjourned consideration of whether or not the landlord has complied with his duty in relation gas supply and safety and requires the Landlord to produce a clear certificate of gas safety issued by a registered gas engineer within 21 days of the date of this Notice.

A McCamley
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Chairperson PRHP

15th May 2008