

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 : Property at 54 Riverside Road, Waterfoot, Glasgow ("the Property")

The Parties:-

Mr. Kartik Thanki & Ms. Vina Malloo, residing at Riverside Road, Waterfoot, Glasgow ("the Tenant(s))"

and

Mr. & Mrs. McIhinney (represented by their agent Fineholm Letting Services Ltd., 1st Floor, 114 Union Street, Glasgow, G1 3QQ ("the Landlord(s))"

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 house concerned, and taking account of the parties written submissions and the evidence led by the Tenants at the hearing, determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 8th May, 2008 the Tenants 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 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The application by the Tenants stated that the Tenants considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:
 - (a) the house is wind and watertight as the roof leaked;
 - (b) the installations in the house for the supply of electricity are in a reasonable state of repair and in proper working order as the upstairs landing light did not work.
3. By letter dated 4th June, 2008 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 under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenants.

5. Following service of the Notice of Referral the Tenants by letter dated 4th June, 2008, made written representations to the Committee dated 9th June, 2008. The Landlord by letter dated 16th June, 2008, made written representations to the Committee.
6. The Private Rented Housing Committee inspected the Property on the morning of 4th August, 2008. The Tenants were present (Mr. Thanki only) during the inspection.
7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Eaglesham and heard from the Tenants (Mr. Thanki). The Landlords nor their representatives attended the hearing.
8. The Tenants repeated their submissions contained within their written representations to Committee dated 9th June, 2008.

Summary of the issues

9. The issues to be determined are (1) whether the house is wind and watertight and in particular whether the roof was leaking into the ground floor bedroom (front) and (2) whether the installations in the house for the supply of electricity are in a reasonable state of repair and in proper working order and in particular whether that the first floor landing light worked.

Findings of fact

10. The Committee finds the following facts to be established:-
 - The tenancy is an assured tenancy;
 - There was no evidence of water penetration into the ground floor bedroom (front);
 - There was no evidence to support the allegation that the roof was currently leaking;
 - The first floor landing light was fully operational.

Reasons for the decision

11. The Committee reached its decision based on the evidence obtained by the Committee at the inspection on 4th August, 2008. Mr. Mike Links, Surveyor member of the Committee inspected the area of alleged water penetration in the ground floor bedroom (front) with a damp meter and found no evidence of moisture. There was historic evidence of damp penetration in the ceiling of the bedroom (cracked plasterwork and staining). However, there was no evidence to indicate that the ingress was ongoing. The Committee visually inspected the front roof of the property and noticed two new tiles and evidence of a recent application of sealant near the first floor bathroom dormer window. The Committee asked the Tenant to operate the first floor landing light while the Committee observed that the light was fully operational.

Decision

12. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
13. The decision of the Committee was unanimous.

Right of Appeal

14. 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

15. 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.

Signer
Chairperson

S Walker

. Date... 22nd August 2008