



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 37 Burns Street, Levensale, Alexandria, G83 0SQ ('the Property')

The Parties:-

James Easdale ('the Tenant')

Martin Harris per Murray Agents, 144 Alexandria, Dunbartonshire, G83 0NZ ('the Landlord')

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the duty imposed by Section 14 (1)(b) in relation to the Property determined that the Landlords had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 29th July 2010 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 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The application by the Tenant stated that he 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 the property is wind and watertight and reasonably fit for human habitation; the structure and exterior of the property (including drains, gutters and external pipes) are in a reasonable state of repair and proper working order; the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order; any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order and the property has satisfactory provision for detecting fires and for giving warning in the event of a fire or suspected fire.

In particular he advised that:-

'The roof needs urgent attention, loose slates, leaks in the interior walls causing major dampness, there has been no hot water or heating in the property for over five weeks. The property needs a central heating system as the old back boiler system has been condemned. There is no battery in the smoke detectors or carbon monoxide detectors.'

3. The President of the Private Rented Housing Panel after considering the application determined 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 Tenant.
5. Following service of the Notice of Referral:-

5.1 The Landlord's agents sent the following written representations to the Committee:-

- (a) Copy letters advising that Notice to Quit had been served.
- (b) A schedule of repairs carried out and rents paid during the tenancy.
- (c) Various receipts for the repair works carried out to the property.

5.2 The Tenant sent photographs of the defects detailed in the application.

6. The Private Rented Housing Committee inspected the Property on the morning of 18th January 2010. The Tenant had vacated the property and did not attend the inspection. At the inspection the Landlord advised the Committee that the roof had been repaired, the damp mould had been treated and also that a new boiler and a hardwired smoke alarm had been installed.
- The Committee saw that the area of dampness in the hall had also been repaired, there was no evidence of dampness to the internal walls, the central heating was in proper working order and providing hot water and heating the radiators and also that the smoke detector and carbon monoxide detectors were in proper working order.
7. The Committee contacted the Tenant who advised that he was unable to attend the scheduled hearing therefore no hearing was held following the inspection of the Property.

Summary of the issues

8. The issues to be determined are whether the defects claimed by the Tenant were present at the time of the inspection resulting in the Landlord failing to meet the Repairing Standard. The defects claimed are:- (1) The roof leaks and needs to be repaired and there are loose slates (2) there are leaks in interior walls and dampness (3) there is no hot water in the property (4) there is no heating as the back boiler has been condemned (5) there are no batteries in smoke detectors or carbon monoxide detectors.

Findings of fact

9. The Committee finds that the defects claimed by the Tenant had been rectified satisfactorily.

Decision

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

Right of Appeal

12. 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

13. 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.

Signed **J Taylor**
Chairperson

Date: 19th January 2011