



## **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**

Ref: PRHP/RP/13/0149

Re property at: 13a Hunterhill Road, Paisley, PA2 6SR, being the subjects forming part of the basement of the title registered in the Land Register of Scotland under Title Number REN59411 ("the Property")

The Parties:-

Anthony Walsh, residing at 13a Hunterhill Road, Paisley, PA2 6SR ("the Tenant")

And

Kirsty (otherwise Kirsten Mabel) Hunter, residing at 13 Hunterhill Road, Paisley, PA2 6SR ("the Landlord")

#### **Decision**

The Private Rented Housing Committee ("the Committee") has now determined that the Landlord has failed to comply with the duty imposed by Section 26(1) of the Act in relation to the requirements of the Repairing Standard Enforcement Order ("RSEO") dated 19 February 2014 and further determined that notice of that failure should be served on the Local Authority in which the property is situated. The Committee further determined to make a Rent Relief Order in terms of Section 27 of the Act which order shall take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under Section 64 of the Act.

#### **Background**

1. On 19 February 2014, the Committee issued a Determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Act. On the same date the Committee issued a RSEO in respect of the property.
2. The RSEO made by the Committee required the Landlord to:-
  - (a) carry out such works as are necessary for the purpose of ensuring that the provision for detecting fires and for giving warning in the event of fire or suspected fire within the

Property complies with the statutory guidance of the Repairing Standard, and in particular that a mains powered smoke alarm is installed within the Property;

- (b) provide to the Tenant a grill pan for use in the cooker which is in place at the Property, and which can be used by the Tenant so that the grill section of the cooker can be used to allow the full functionality of the cooker;
  - (c) repair and/or replace the external light adjacent to the front door of the Property so that it is in a reasonable state of repair and in proper working order.
3. The Committee ordered that the work specified in the RSEO were to be carried out and completed no later than 4 weeks from the date of service of the RSEO. The RSEO was served on 6<sup>th</sup> March 2014.
  4. On the 1 May 2014, the Surveyor Member of the Committee reinspected the property. At that time the Surveyor Member noted that the Landlord had not carried out all of the works as required by the RSEO. In particular the Landlord had not carried out such works as were necessary to comply with the requirements of Paragraphs (a) and (c) of the RSEO all as set out above.
  5. A copy of the Report prepared by the Committee Surveyor Member was circulated to the parties. The Landlord has carried out no further works to the property since that date. The Landlord has not commented or made any further submissions following service upon her of a copy of the Surveyor Member's reinspection report.
  6. The Committee has now accordingly determined that the Landlord has failed to comply with the duty imposed by Section 26(1) of the Act in relation to the requirements of the RSEO and further determine that notice of that failure should be served on the Local Authority in which the property is situated.
  7. The Committee further consider that a rent relief order should be made in terms of Section 27 of the Act and determines that such an order should be made given the Landlord's failure to comply with parts of the RSEO.
  8. The Committee then considered the amount by which the rent payable under the tenancy in question should be reduced. They considered the impact of the outstanding repairs on the tenant's enjoyment of the property and the associated risks of the Landlord's failure to ensure that provision for detecting fires and for given warning in the event of fire or suspected fire within the property complies with the statutory guidance of the repairing standard. In particular the Committee were concerned that a mains powered smoke alarm had still not been installed within the property. This was a serious failure on the part of the Landlord. Despite considerable time and opportunity for the Landlord to carry out this work, the Landlord has failed to complete this work. In addition, the Committee noted that the Landlord has failed to repair the external light adjacent to the front door of the property. The property continues to fail to meet the repairing standard in these respects. Given the Landlord's failure to comply with the RSEO and in particular, the associated risk issues, the Committee determined that an appropriate reduction in rent would be to reduce the rent payable under the tenancy by 40%.
  9. The Committee proceeded to make a Rent Relief Order in terms of Section 27 of the Act, which order shall take effect from 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under Section 64 of the said Act.

#### **Right of Appeal**

10. 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**

11. 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.

  
A COWAN

Signed by ..... Date 23/6/14  
Andrew Cowan, Chairperson

L MCMANUS  
.....Witness

Laura McManus, Secretary, 7 West George Street, Glasgow, G2 1BA

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**Rent Relief Order**  
**Ordered by the Private Rented Housing Committee**

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The Parties:-

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And

Kirsty (otherwise Kirsten Mabel) Hunter, residing at 13 Hunterhill Road, Paisley, PA2 6SR ("the Landlord")

**NOTICE TO ("the Landlord")**

Whereas in terms of their decision dated 23 Jun2 2014, the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the house made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 40.% of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the said Act.

**A landlord or a 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.**

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 Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

In witness whereof these presents type written on this page only are executed by Andrew Stuart Cowan, Solicitor, 7 West George Street, Glasgow G2 1BA, Chairperson of the Private Rented Housing Committee at Glasgow on 23 June 2014 before this witness:-

  
A COWAN

L MCMANUS

Witness

Laura McManus, Secretary  
7 West George Street,  
Glasgow, G2 1BA

Signed Andrew Cowan, Chairperson

