



**Rent Relief Order by the Private Rented Housing Committee (“the committee”)**

**Case Reference Number: PRHP/RP/14/0042**

**Re: - Property at 3 Brisbane Road, Largs KA30 8LF (“the property”)**

**Land Register Title No: AYR47911**

**The Parties:-**

**Mrs Ammabile Bianchi, residing at 3 Brisbane Road, Largs KA30 8LF (“the tenant”)**

**And**

**Mr Alastair Adam Millar Mills, residing at 10 Charles Street, Largs, KA30 8HJ (“the landlord”)**

**NOTICE TO MR ALASTAIR ADAM MILLAR MILLS, RESIDING AT 10 CHARLES STREET, LARGS, KA30 8HJ (“THE LANDLORD”)**

Whereas in terms of its decision dated 14 January 2015, the committee determined in terms of section 26(1) of the Housing (Scotland) Act 2006 (‘the Act’) that the landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the property made by the committee.

The committee determined to make a Rent Relief Order in terms of section 27 of the Act, reducing the rent payable in respect of the property by 90%. 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 Act.

A landlord or tenant aggrieved by the decision of a 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 typewritten on this and the preceding page are signed by Sarah Frances O'Neill, solicitor, Chairperson of the Private Rented Housing Committee, at Glasgow on the fourteenth day of January Two Thousand and Fifteen before this witness, Luke McGuire of Europa Building, 450 Argyle Street, Glasgow, G2 8LH.

Luke McGuire

Sarah O'Neill

\_\_\_\_\_ witness \_\_\_\_\_

\_\_\_\_\_ chairperson



**Determination by Private Rented Housing Committee**

**Statement of Decision of the Private Rented Housing Committee**

**(Hereinafter referred to as "the committee")**

**Under Section 26(1) of the Housing (Scotland) Act 2006 ("the Act")**

**Case Reference Number: PRHP/RP/14/0042**

**Re: - Property at 3 Brisbane Road, Largs KA30 8LF ("the property")**

**Land Register Title No: AYR47911**

**The Parties:-**

**Mrs Ammabile Bianchi, residing at 3 Brisbane Road, Largs KA30 8LF ("the tenant")**

**And**

**Mr Alastair Adam Millar Mills, residing at 10 Charles Street, Largs, KA30 8HJ ("the landlord")**

**Decision**

The committee determined that the landlord has failed to comply with the Repairing Standard Enforcement Order.

The committee decided to make a Rent Relief Order reducing the rent payable in respect of the property by 90%.

The committee's decision was unanimous.

**Background**

1. On 6 August 2014, the committee issued a determination that the landlord had failed to comply with his duties under Section 14(1) (b) of the Housing

(Scotland) Act 2006 ("the Act"). On the same date, the committee issued a Repairing Standard Enforcement Order.(RSEO) in respect of the property.

2. The RSEO made by the committee required the landlord to:
  1. Carry out the necessary repairs to the roof and gable wall to ensure that the property is wind and watertight, and that the roof and gable walls are in a reasonable state of repair and in proper working order. On completion of the repair works all affected finishes and decoration are to be restored to an acceptable standard.
  2. Repair the gate adjacent to the fence to ensure that it is capable of being locked and closed securely.
3. The Private Rented Housing Committee ordered that the works specified in this order were to be carried out and completed within the period of two months from the date of service of the RSEO.
4. On 18 November, the surveyor member of the committee carried out an inspection of the property for the purpose of ascertaining whether the repairs required by the RSEO had been completed. Both parties were present at the re-inspection.

The surveyor member determined that the following items had been satisfactorily completed:

Repair the gate adjacent to the fence to ensure that it is capable of being locked and closed securely.

With regard to this item, the surveyor observed that, while the gate was technically capable of being closed securely, the latch had no keeper to retain the latch and gate in the closed position, and that the slip bolt keeper was held only by two loose screws.

He determined, however, that the following repairs had not been carried out or completed:

Carry out the necessary repairs to the roof and gable wall to ensure that the property is wind and watertight, and that the roof and gable walls are in a reasonable state of repair and in proper working order. On completion of the repair works all affected finishes and decoration are to be restored to an acceptable standard.

## **Reasons for the decision**

5. Following the surveyor's re-inspection of the property, the re-inspection report was sent to the parties. The parties were invited to make written representations on the report, but none were received from either party. Correspondence had, however, been received from the tenant's representative, Mr Paolo Bianchi, on 12 November, stating that no repair works had been carried out since the committee's original inspection, prior to the determination and RSEO being issued. He asked the committee to consider further action, stating that the conditions in the property were appalling, and that the tenant suffers from various health problems which are adversely affected by the dampness.
6. The committee was very concerned about the impact which the failure to carry out the repairs were having on the health and safety of the tenant, who is elderly, and continues to be adversely affected by dampness and water ingress, particularly in her bedroom.
7. The committee considered whether a Rent Relief Order should be made in terms of section 27 of the Act. The committee determined that such an order should be made, given the landlord's failure to comply with the RSEO without reasonable excuse. The committee then considered the amount by which the rent payable under the tenancy should be reduced. Given the circumstances and the adverse effect which the failure to carry out the repairs is having on the tenant, the committee determined that an appropriate reduction in rent would be to reduce the rent payable under the tenancy by 90% until the repairs have been carried out.
8. The committee considered that the Rent Relief Order should be effective from 28 days after the last date on which the Rent Relief Order decision may be appealed under section 64 of the Act.
9. The committee, having made such enquiries as are fit for the purposes of determining whether the landlord has complied with the RSEO, in relation to the property concerned, determines that the landlord has failed to comply with the RSEO in terms of section 26(1) of the Housing (Scotland) Act 2006, and that a notice of this failure should be served on the local authority in whose area the property is situated.
10. 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 Rent Relief Order decision may be appealed under section 64 of the Act.

## **Right of Appeal**

- 11. A landlord or tenant aggrieved by the decision of a Private Rented Housing Committee may appeal to the sheriff by summary application within 21 days of being notified of that decision.**

12. The appropriate respondent in such appeal proceedings is the other party to the proceedings and not the panel or the committee which made the decision.

**Effects of Section 63 of the 2006 Act**

13. Where such an appeal is made, the effect of the decision and 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 decision and the order are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Sarah O'Neill

Signed.....

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Date..... 14/1/14 .....

Chairperson