



**Determination by Private Rented Housing Committee
Statement of decision of the Private Rented Housing Committee under Section 26 (1) of the
Housing (Scotland) Act 2006**

Reference number:- PRHP/RP/14/0244

Re: Property at the Upper Flatted Dwellinghouse situated at 760 Mossspark Drive, Glasgow G52 3AU being the subjects registered in the Land Register of Scotland under Title Number GLA9032.

The Parties:-

Ms Ruth Howie, residing at 760 Mossspark Drive, Glasgow G52 3AU ("the Tenant")

and

Wearwell Properties Limited, being a Company registered under the Companies Acts (Registered No. SC254022) and having their Registered Office at 50 Battlefield Road, Battlefield, Glasgow G42 9QF ("the Landlord")

Decision

The Private Rented Housing Committee ("the Committee"), has now determined that the Landlord has failed to comply with the requirements of the Repairing Standard Enforcement Order ("RSEO") dated 10 April 2015, and has further determined that notice of that failure should be served on the Local Authority in which the property is situated. The Committee further determined not to make Rent Relief Order in this matter.

Background

1. On 10 April 2015, 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 carry out such works as are necessary to ensure that:-
 - (a) there is an acceptable provision for detecting fires and for giving warning in the event of fire or suspected fire as are required in terms of the Scottish Government guidance

the property to determine whether the landlord had complied with the works required by the RSEO. The Landlord was advised that the Committee intended to inspect the property on 28 August 2015.

7. By letter dated 17 August 2015, the Landlord's solicitors acknowledged receipt of the Committee's letter of 15 July. The Landlord's solicitors advised that the Tenant had vacated the property on 14 August 2015 and that the landlord intended to sell the property. The Landlord's solicitors requested, on behalf of the Landlord, that no further action was taken by the Committee and that the case should be dismissed. The Landlord's solicitors failed to comment upon whether the Landlord had carried out the necessary works required by the terms of the RSEO.
8. By letter of 19 August 2015, the Committee acknowledged receipt of the Landlord's solicitor's letter of 17 August 2015, and confirmed that a further inspection of the property intimated for 28 August 2015 would continue as arranged. The Committee further confirmed in that letter that access would be required to the property. At or around that time, the Landlord's solicitor's offices contacted the offices of the Committee by telephone. At that time, they confirmed that they would arrange access for the Committee to inspect the property on 28 August 2015.
9. On 28 August 2015, the Surveyor Member of the Committee attended at the property for the purposes of carrying out a re-inspection to determine whether the works required by the RSEO had been completed. The Surveyor Member of the Committee could not gain access to the property. The Landlord was not present or represented and entry could not be obtained to the property.
10. On 5 October 2015, the Committee wrote to the Landlord and to the Landlord's solicitors. In terms of the letter of 5 October 2015, the Committee specifically required the Landlord :-
 - (a) to make arrangements for the offices of the Private Rented Housing Panel to agree a date upon which the Surveyor Member of the Committee could carry out an inspection of the property and to thereafter provide access to the Surveyor Member of the Committee on that date;and/or
 - (b) to provide evidence to the satisfaction of the Committee that the Landlord had complied with the terms of the attached RSEO.

In terms of the letter of 5 October 2015, the Committee further advised the Landlord that "in the event that you do not comply with this requirement within the period of 7 days from the

15. The Committee are required, in terms of Section 26(2)(b) of the Act, to decide whether to make a Rent Relief Order. In this case the Tenant has vacated the property and no rent is currently payable. The Committee has accordingly determined not to make a Rent Relief Order.
16. The tenancy in this case has been terminated, and in accordance with Section 7(1) of Schedule 3 to the Act, the Tenant is accordingly to be treated as having withdrawn her application.
17. In accordance with Section 7 (3) of Schedule 3 to the Act, the Committee have despite the withdrawal of the application decided to continue the application in accordance with the provisions of that Section.

Right of Appeal

18. 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

19. 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.

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Signed Date 30/10/15

Andrew Cowan, Chairperson

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Robina King, 7 West George Street, Glasgow, G2 1BA