



**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**

In connection with

Property at at 4 (4F1) Upper Bow, Edinburgh EH1 2JN ("the House")

**The Parties:**

**Katri Vanhatalo, residing at the House ("the Tenant")**

and

**Ian Sime, 38 Bootham Crescent, York, YO30 7AH ("the Landlord")**

**PRHP REFERENCE PRHP/RP/14/0251**

**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") issued further to a decision of the Committee dated 20 April 2015 and further determined that notice of that failure should be served on the Local Authority in whose area the property is situated. The Committee further determined to make a Rent Relief Order in this matter to the extent of reducing the rent payable by the Tenant by ninety per cent (90%).

**Background**


1. On 20 April 2015, the Committee made a determination which stated that the Landlord had failed to comply with the duties imposed by section 14(1)(b) of the 2006 Act. On 22 April 2015, the Committee issued a RSEO in respect of the House.

2. The RSEO issued by the Committee required the Landlord to carry out such works as are necessary to ensure that the House meets the Repairing Standard as required by the Act, further to which to carry out the following:-
  - i. To instruct a suitably qualified and competent tradesman registered with a relevant trade body to inspect the roof hatch within the roof structure and to repair it as necessary to ensure that it is water tight;
  - ii. To repair the hole or holes to the rear of the kitchen sink, to replace the skirting there and to replace the kick boards underneath the kitchen sink so as to act as a barrier against rodent infestation and to remove all debris from beneath the kitchen sink;
  - iii. To cover over the gap beneath the boiler in the kitchen to act as a barrier against rodent infestation;
  - iv. To repair the hole in the right hand corner of the front bedroom as viewed from the bedroom door and to place continuous skirting there to act as a barrier against rodent infestation;
  - v. To repair the double 13 amp socket in the kitchen to the right of the on/off switch and the downlighters beneath the kitchen units to ensure that they each function fully;
  - vi. To repair and reinstall the loose downlighters in the bathroom and hallway;
  - vii. To secure the WC unit to the floor of the bathroom, and secure the cistern to the wall of the bathroom;
  - viii. To replace the tiling in the bathroom and the side panel to the bath;
  - ix. To provide an effective seal under the shower and where it joins the bathroom wall to prevent water leakage and to re-grout the bath;
  - x. To repair the shower head and flexible hose in the bath and install a secure replacement that functions properly;
  - xi. To provide certification from a suitably qualified and competent electrician that the electrical repairs noted above have been carried out safely; and
  - xii. To provide a Gas Safety Certificate for the House showing that the gas appliances (boiler, oven and living room fire) operate safely.
3. The RSEO specified that the works required by that Order required to be completed within two calendar months of the service of the RSEO.

4. A re-inspection of the House was carried out by the surveyor member of the Committee on 10 July 2015 at 10.00am.
5. The re-inspection revealed that despite contractors having attended the House to take measurements, none of the works listed above as contained within the RSEO had been carried out by the Landlord.
6. Accordingly and in terms of section 28(4) of the Act, the Committee decided on 24 July 2015 that the Landlord has failed to comply with the RSEO.
7. Therefore in terms of section 26(2)(a) of the Act, the Committee determined to send a notice of that failure to the Local Authority in whose area the House is situated.
8. 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, considering the long-standing nature of the defects within the House and the resulting failure to comply with section 14(1)(b) of the Act; considering the number of such defects and also considering that the Landlord had taken no steps to rectify any of the matters detailed within the RSEO it decided to make a Rent Relief Order.
9. In the circumstances, and taking the above factors into account, the Committee determined that the rent payable in respect of the House should be reduced by ninety per cent (90%). That is to say that in terms of the Missive of Let between the parties, the rent payable with effect from the date specified in the Rent Relief Order shall be Seventy Pounds (£70) per calendar month instead of £700 as stipulated therein. All other terms of the lease remain unchanged.

#### Right of Appeal

10. A landlord or tenant aggrieved by the decision of the PRHP committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
11. Where such an appeal is made, the effect of the decision and 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:  M. O'Carroll

Maurice O'Carroll  
Chairperson

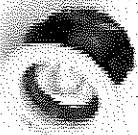
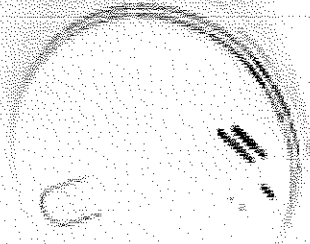
Date: 28 July 2015

Witness:

**S. Robson**

Name and occupation

SHEENA ROBSON ADMINISTRATOR  
STAMP OFFICE, WATERLOO PLACE  
EDINBURGH













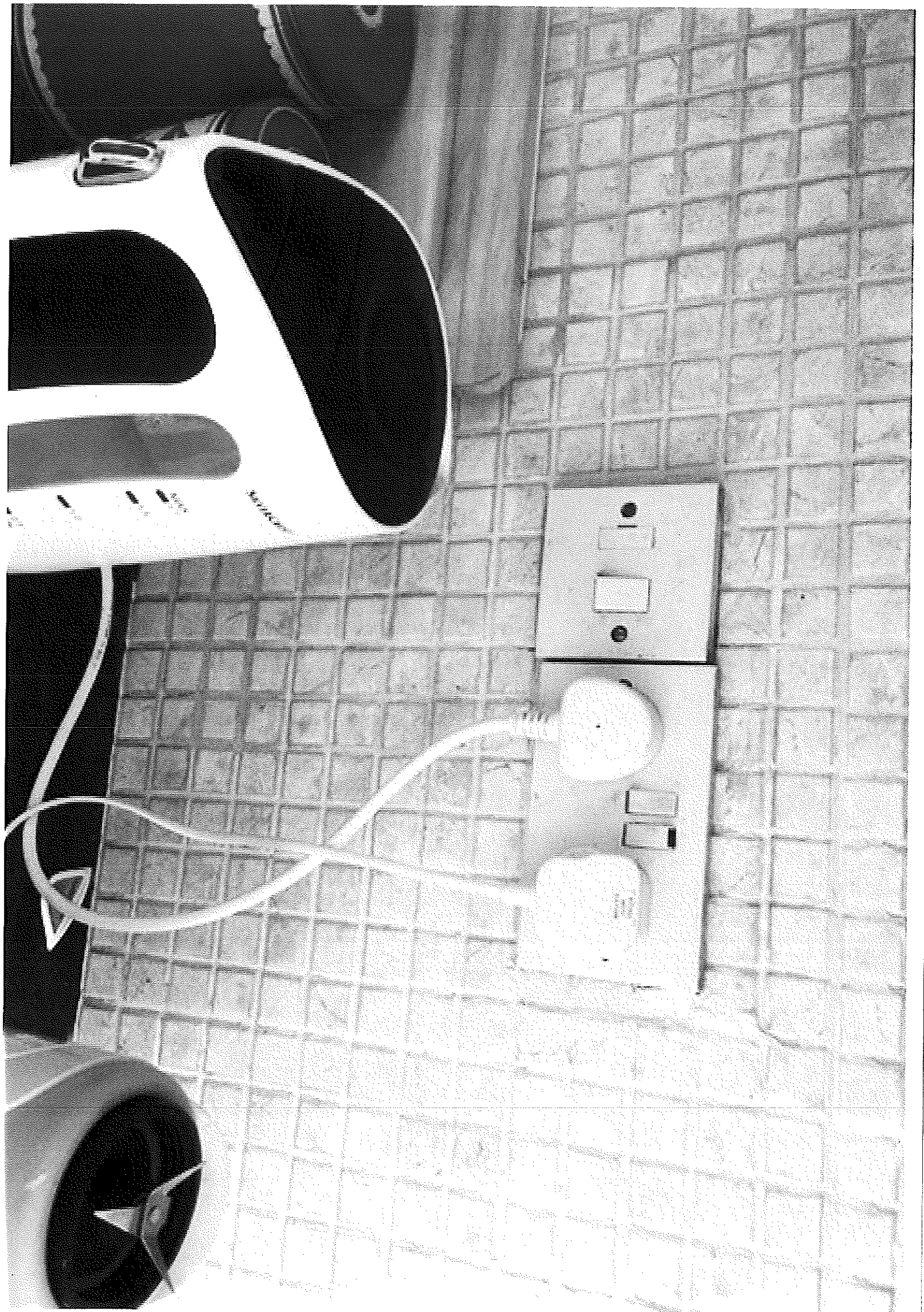




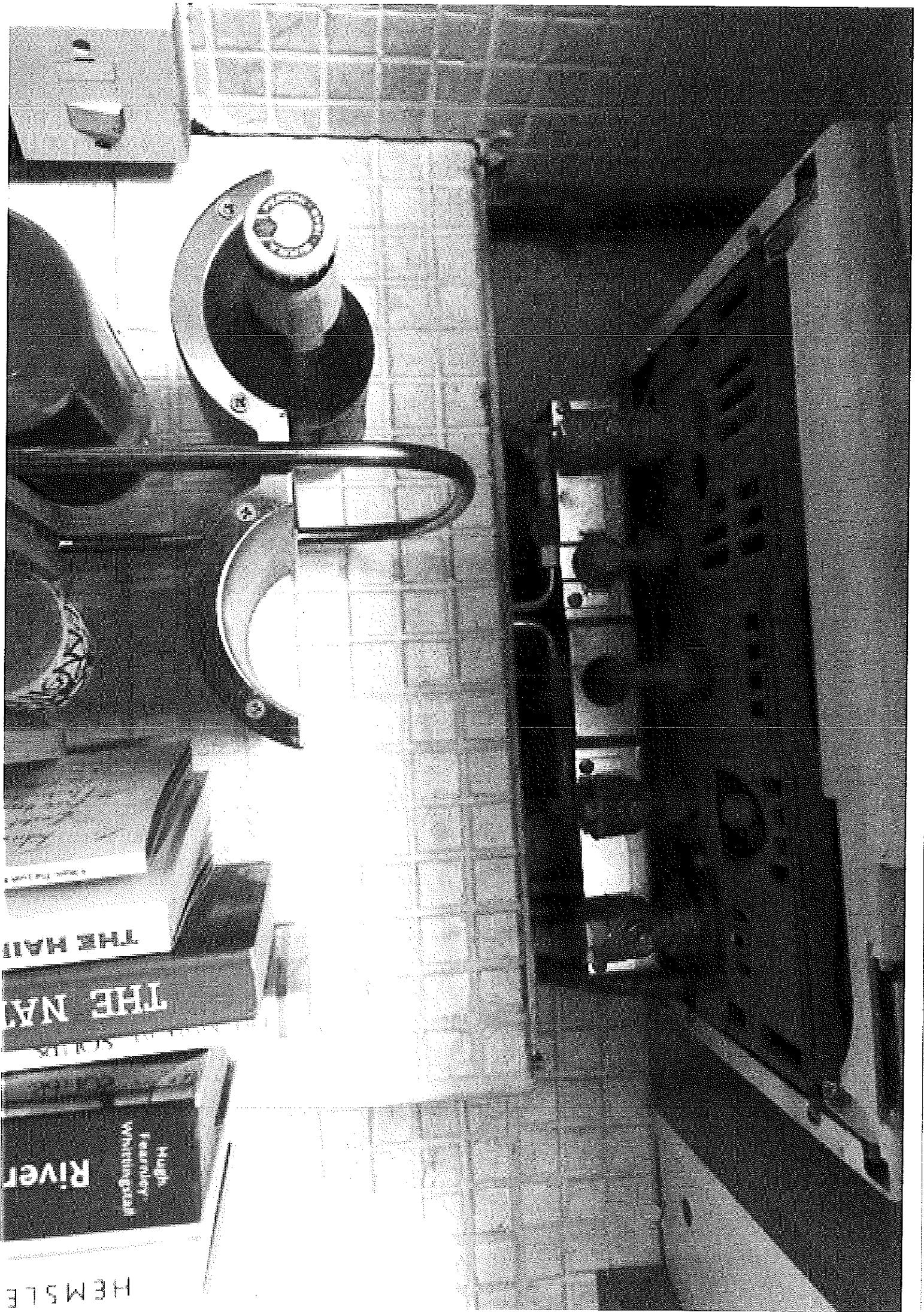












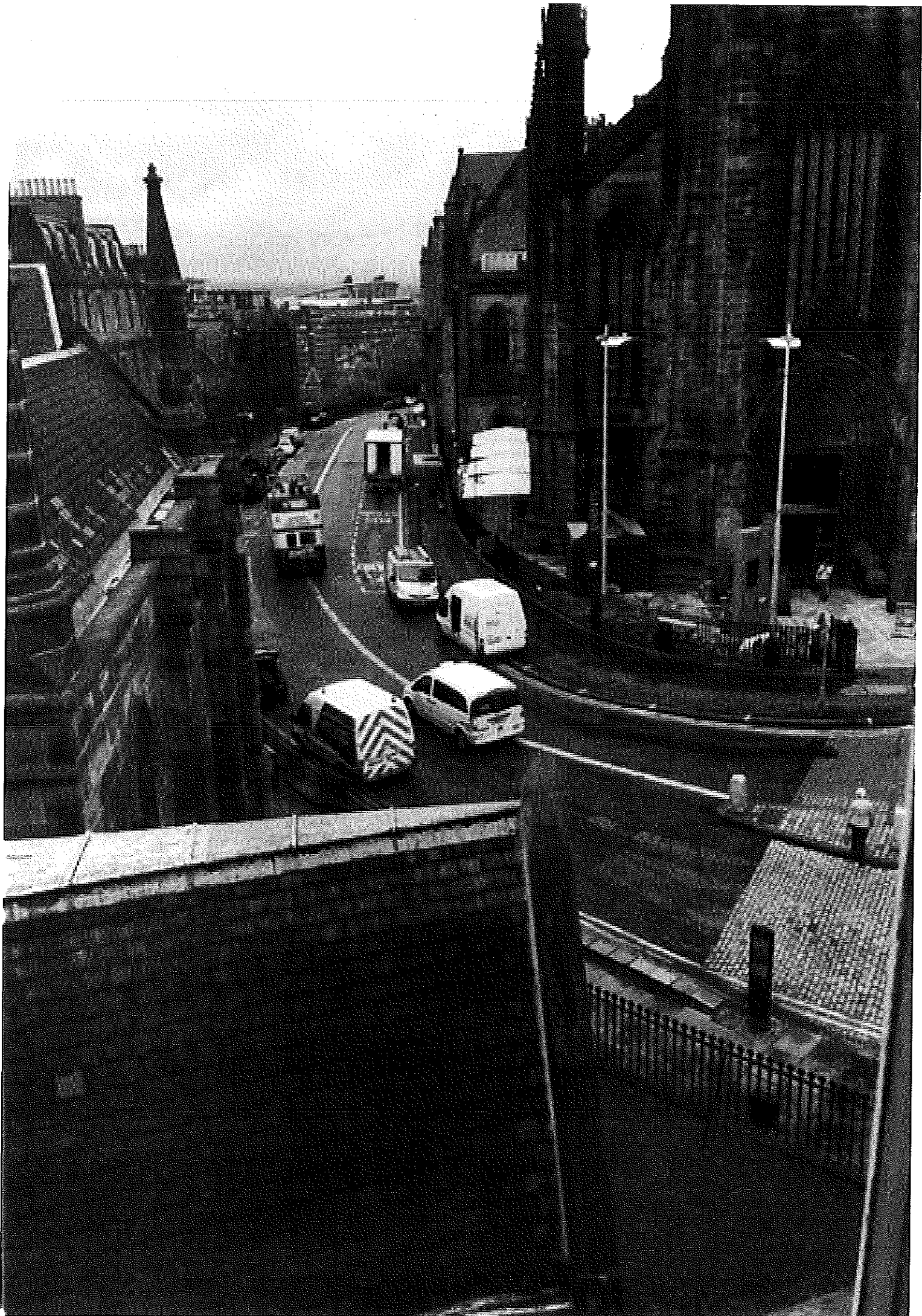
HEMSLE

River

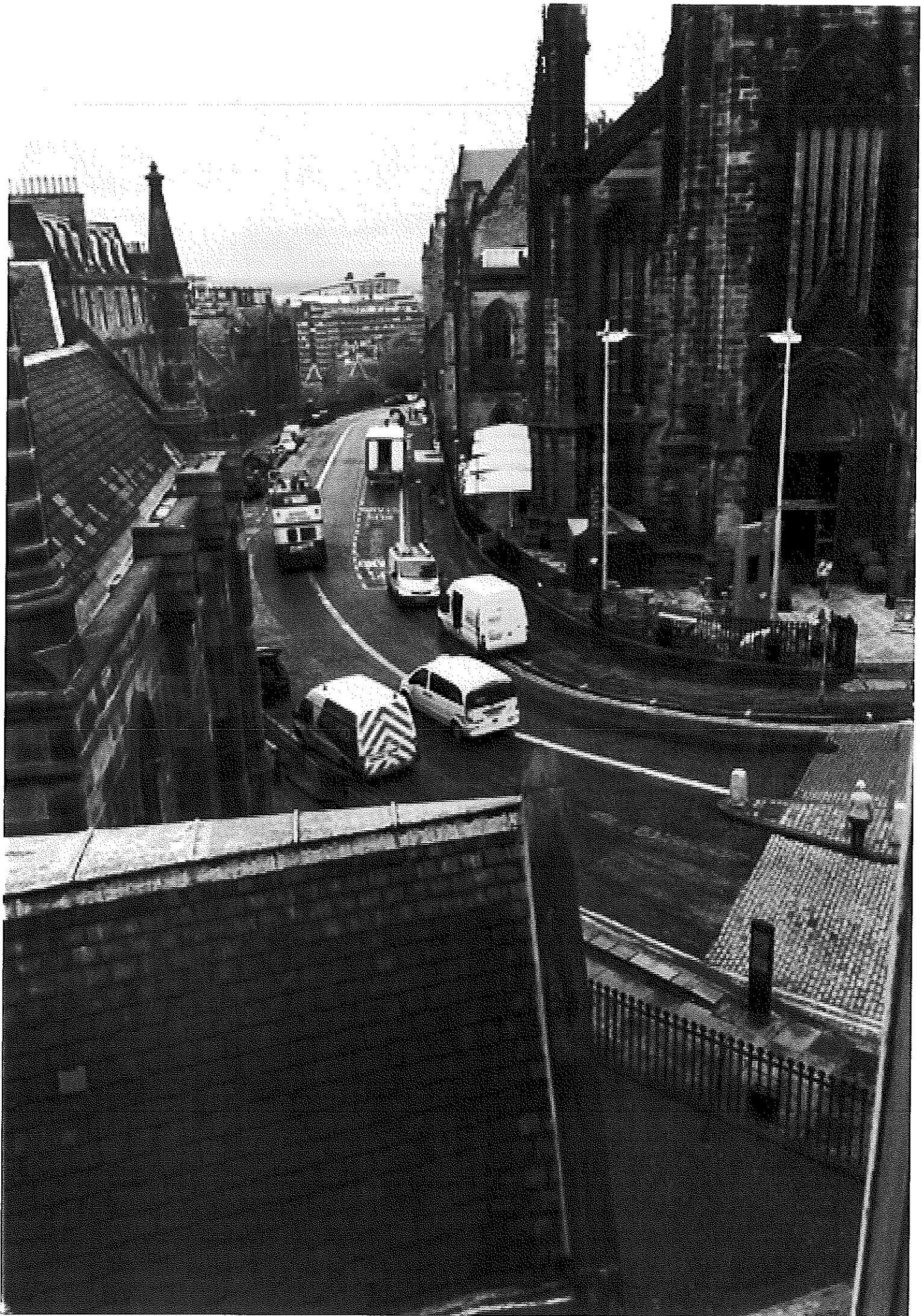
Hugh Ferriss  
Writing

THE NAT

THE NAT









FLAT 3F 3

FLAT 3F 2

FLAT 3F 1

FLAT 2F 2

FLAT 2F 1

FLAT 1F 1B

FLAT G F2

FLAT G F1



TEA - COFFEE



