



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 26
OF THE HOUSING (SCOTLAND) ACT 2006

In connection with

Property at 64 Columba Crescent, Forgewood, Motherwell ML1 3YE
(hereinafter referred to as "the House")

Douglas McCallum, 64 Columba Crescent, Forgewood, Motherwell ML1
3YE (hereinafter referred to as "the Tenant")

Shabir Latif, 12 Woodvale Road, Radcliffe, Manchester M26 1UA
(hereinafter referred to as "the Landlord")

PRHP REFERENCE PRHP/ RP/15/0104

The Committee comprised the following members:

John McHugh, Chairperson
Ian Mowatt, Surveyor Member

DECISION

The Committee having carried out a further inspection of the House determined that the work required by the Repairing Standard Enforcement Order served on 20 July 2015 ("the RSEO") had not been completed and resolved to issue a Rent Relief Order.

The decision of the Committee was unanimous.

Background

The RSEO required the Landlord to complete the following work within 28 days of service of the RSEO:

- 1 To have the central heating system put into operating condition to include ensuring that none of the radiators leak and that the boiler produces hot water as intended and to have a new Landlords Gas Safety Certificate issued by a Gas Safe registered engineer.
- 2 To repair or replace the windows such that all windows are capable of being opened and closed as designed, are reasonably draught proof and that all locking and handle mechanisms operate as intended.
- 3 To remove all mould present on the walls, ceiling and on the windows of the House and to redecorate any affected areas.
- 4 To install fire detection devices in compliance with the terms of the Scottish Government Guidance on Satisfactory Provision for Detecting and Warning of Fires.

The Committee, on the application of the Landlord, extended the 28 day period by a further 21 days in terms of its decision of 17 September 2015.

Reasons for the Decision

On 28 October 2015, the Surveyor Member of the Committee carried out a second re-inspection of the House, the first re-inspection having taken place on 31 August 2015.

At the second re-inspection the following was noted:

A partial repair had been made to the central heating system. Substantial defects remain unaddressed. No safety certificate has been produced.

None of the works required by paragraphs 2, 3 and 4 of the RSEO had been addressed.

The Committee had made the following comment in its Decision of 17 September 2015: “The Committee hereby gives the parties warning that it is likely to revoke the Order in the event that the available evidence tends to show that the Tenant has been responsible for the Landlord’s inability to complete the works. In the event that the available evidence shows that the Landlord has failed to make reasonable efforts to perform the works, the Committee is likely to make a finding that the Landlord has failed to comply with the Order. The parties are therefore advised that they will be

expected to be able to produce evidence of: the making of appointments to carry out works and the grant or refusal of access.”

The Landlord has provided an email from a contractor which makes broad references to some difficulties in achieving access to the House but the Landlord has offered no specific representations beyond this and nothing approaching the type of evidence which was outlined in the Decision of 17 September 2015.

The Tenant’s representative, on the other hand, has produced email correspondence of 2 November 2015 which evidences the apparent failure of the Landlord’s tradesman to keep an appointment and has made further representations about the failures of the Landlord’s tradesmen.

We accept the evidence provided by the Tenant’s representative on this matter.

Rent Relief Order

The works required by the RSEO have not been completed. The failure to carry out the works has a material detrimental effect upon the tenant’s enjoyment of his occupation of the House. In particular, it is of concern that matters of fire safety have not been addressed.

In the circumstances, the Committee considers that a Relief Order imposing a restriction of rent by 75% is appropriate.

Right of Appeal

Section 64 of the Act provides a right of appeal to a landlord or tenant aggrieved by a decision of a private rented housing committee. An appeal may be made to the Sheriff within 21 days of the Landlord or Tenant being informed of the decision.

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.

J McHugh

John McHugh
Chairperson

Date: 22 November 2015