



Rent Relief Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/15/0163

Re : 27D Keir Avenue, Stirling FK8 1QL (hereinafter referred to as "the house")

The Parties:

MR CHARLES BARTLE, residing at 27D Keir Avenue, Stirling FK8 1QL ("the Tenant")

MR ATHAR ALMASS FIRDOUS, 32 Alpin Drive, Dunblane FK15 0FQ ("the Landlord")

Committee - Richard Mill (Chairman) and Sue Napier (Surveyor Member)

NOTICE TO MR ATHAR ALMASS FIRDOUS, 32 Alpin Drive, Dunblane FK15 0FQ ("the Landlord")

Whereas in terms of their decision dated 4 December 2015, 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 75% of the rent which would, but for the order, be payable. This significant reduction in rent is to reflect the serious state of disrepair of the property and the potential immediate dangers arising therefore. 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 and the preceding page(s) are executed by Richard Mill, Solicitor, 21 Stafford Street, Edinburgh EH3 7BJ, chairperson of the Private Rented Housing Committee at Edinburgh on 4 December 2015 before this witness:-

Margaret Johnstone Murray, witness

Richard Mill chairman

Margaret Johnstone Murray name in full

21 STAFFORD STREET Address

EDINBURGH

EH3 7BJ

LEGAL SECRETARY Occupation



**DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE re FAILURE
TO COMPLY**

**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

**Property at 27D Keir Avenue, Stirling FK8 1QL
(hereinafter referred to as "the house")**

**MR CHARLES BARTLE, residing at 27D Keir Avenue, Stirling FK8 1QL ("the
Tenant")**

**MR ATHAR ALMASS FIRDOUS, 32 Alpin Drive, Dunblane FK15 0FQ ("the
Landlord")**

Reference PRHP/RP/15/0163

Committee - Richard Mill (Chairman) and Sue Napier (Surveyor Member)

Title Number: STG37978

BACKGROUND

1. Reference is made to the Determination of the Private Rented Housing Committee ("the Committee") dated 11 September 2015, which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act ("the Act"), and to the Repairing Standard Enforcement Order ("the RSEO") dated 11 September 2015 confirming that the Landlord had failed to ensure the property meets the repairing standard in respect of Sections 13(1)(a), (c), (d) and (f) of the Act.

The RSEO required the Landlord to undertake works as is necessary for the purposes of ensuring that the property concerned meets the Repairing Standard and that any damage caused by the carrying out of any work in terms of the said Order is made good.

In particular the Private Rented Housing Committee required the Landlord:-

1. Produce an up-to-date Gas Safety Certificate in respect of all gas appliances within the Property.

2. Produce a Report on the current condition and operation of the boiler within the Property from a Corgi Registered Gas Engineer.
3. Produce an Electrical Installation Condition Report (EICR). The Report requires to be prepared following all works specified within this Order being completed.
4. Install smoke alarms within the Property to the standard currently recommended by the Scottish Government. There should be at least one functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes, one functioning smoke alarm in every circulation space, such as hallways and landings, one heat alarm in every kitchen and all alarms should be interlinked.
5. Replace the existing carbon monoxide detector situated within the living room of the Property.
6. Replace the three damaged glazing units in the main bedroom to the front of the Property and the broken glazed unit in the living room to the Property.
7. Repair the windows in the living room to ensure that they are in good working order, windproof and are capable of being open, shut and locked.
8. Fit a new door to the bedroom to the front of the Property.
9. Fit new wardrobe doors in the main bedroom to the front of the Property.
10. Replace the missing gas central heating radiator in the main bedroom to the front of the Property.
11. Repair and/or replace the light fitting to the main ceiling light in the main front bedroom to the Property.
12. Repair the door to the back second bedroom to the Property so as to ensure that it closes.
13. Repair and/or replace the broken/missing glazing to the front door of the Property.
14. Provide the Tenant with two set of keys to the door of the Property and, if necessary, to replace the lock.
15. Replace the five defective ceramic tiles on the bathroom floor.
16. Instruct an appropriate qualified plumber to repair the leak to the water inlet pipe to the WC in the bathroom.
17. Instruct a suitably qualified plumber to repair the damaged hot bath tap in the bathroom.
18. Instruct a suitably qualified tradesman to replace the electric shower in the

bathroom of the Property, including all fittings.

The Private Rented Housing Committee required that the works specified in the Order must be carried out and completed within 8 weeks from the date of service of the Notice.

2. No correspondence was thereafter received by or on behalf of the Landlord. He has failed to engage in the process. Correspondence was received from the Tenant advising that the Landlord has been sequestered and that the property is in the process of being repossessed. The Tenant advised that none of the works required in terms of the Repairing Standard Enforcement Order had been carried out by the Landlord. The Tenant also advised that he and his family were in the process of being re-housed. This has to date not been clarified.

3. A re-inspection of the property was arranged to take place on 13 November 2015 by the Surveyor Member of the Committee. The findings of said re-inspection identified that none of the works required to be undertaken by the Landlord in fulfilment of the Repairing Standard Enforcement Order have been attended to. As at said date the property remained in a potentially dangerous state. As at said date the property continued to be occupied by the Tenant, his wife and their adult son.

4. A copy of the Re-inspection Report prepared by the Surveyor Member of the committee was issued to parties on 19 November 2015 inviting comments. No comments were received.

5. The committee did not consider that the failure to comply with the Repairing Standard Enforcement Order was due to a lack of necessary rights of access or otherwise.

6. The committee considered whether or not a variation/extension or revocation of the Repairing Standard Enforcement Order was appropriate but discounted these options. The Landlord has already had every opportunity to carry out the works required in terms of the Repairing Standard Enforcement Order. They have taken no steps. They have not engaged in the process. The committee has no confidence that the Landlord is attempting to engage in the process and carry out the works required.

DETERMINATION AND REASONS

The Committee considered the circumstances as earlier set out. The Committee unanimously decided in terms of Section 26(1) of the Act that the Landlord had failed to comply with the RSEO and directed that a notice of the failure be served on the Local Authority for which the property is situated.

RIGHT OF APPEAL

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.

The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the Private Rented Housing Panel or the Committee which made the decision.

Effect of Section 63

Whereas 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 28 days from the day on which the appeal is abandoned or so determined.

In witness whereof these presents typewritten on this and the preceding page(s) are executed by Richard Mill, Solicitor, chairperson of the Private Rented Housing Committee at Edinburgh on the Fourth day of December Two Thousand and Fifteen before this witness:-

Margaret Johnstone Murray
witness

Richard Mill

chairman

Margaret Johnstone Murray
21 Stafford Street
Edinburgh
EH3 7BJ

Legal Secretary