



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

REF:PRHP/RP/15/0256

Re 7 Muirpark Drive, Bishopbriggs, G64 1RB being the subjects registered in the Land Register of Scotland under Title number GLA190885 ('the Property')

The Parties:-

Ms Catherine Bulloch residing in the Property ('The Tenant')

Nicola Hetherington c/o Core Property Management, Core Property House, 4 Claremont Place, Glasgow, G4 7YR ('The Landlord')

The Committee members are Jacqui Taylor (Chairperson) and Sara Hesp (Surveyor Member).

Background

1. The Private Rented Housing Committee ('the Committee') issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlord :-

'1.1. To exhibit a report from a damp specialist, who is a member of the Property Care Association, in respect of the dampness in the Property and carry out the works recommended.

1.2. To repair or replace the defective electrical sockets in the kitchen and bedroom and thereafter exhibit a compliant Electrical Installation Condition Report.

1.3. To repair or replace the defective fridge freezer.'

2. The Committee ordered that the works specified in the RSEO were to be carried out and completed by 30th April 2016.

3. On 6th May 2016 the Landlord provided the Committee with a specialist report by Bromac Limited, timber preservation and damp proofing specialists. On the same day the surveyor member of the Committee carried out an inspection of the Property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. She found that the defective electrical sockets in the kitchen and bathroom had been replaced or repaired and the fridge freezer had been replaced. However the work recommended in the Bromac Limited's report of 5th May 2016, namely the repair of the missing roof tiles and repair of the defective guttering, had not been carried out. Also no electrical condition report had been received. The reinspection report dated 6th May 2016 is annexed and executed as relative hereto.

4. The Landlord subsequently provided an Electrical Installation Condition Report dated 3rd June 2016. The report stated that the electrical installation was unsatisfactory and it also stated that five matters were category C2, which means 'Potentially dangerous'.

5. On 10th August 2016 the Private Rented Housing Committee held a hearing in the PRHP offices at Wellington House, Wellington Street, Glasgow, G2 2XL to determine if the terms of the RSEO had been complied with and if they had not been complied with whether a Rent Relief Order should be made.

The Tenant and her representative, Walid Hassan of the Citizens Advice Bureau, attended. The Landlord did not attend and was not represented. The Committee had confirmed with the Landlord's representative Daniel Hughes of Core Property that he was aware of the hearing.

The Tenant advised that the repairs to the missing roof tiles and the defective guttering had not been carried out. She also confirmed that the electrical repairs identified as necessary in the Electrical Installation Condition Report had not been carried out.

In relation to the actions to be taken to reduce condensation detailed in the report from Bromac Limited she advised that she does open the windows, she operates the heating two or three times per day, she keeps her furniture away from the walls and she constantly washes the walls with bleach and soap. She also advised that during the winter months she would dry clothes on the radiators once per day but she would ensure that windows were open so that there was a flow of air.

She confirmed that she considered that a rent relief order was appropriate. She asked the Committee to grant a 90% reduction of the rent. She explained that she has been a tenant of the property for over five years and during that time she has bought three mattresses and paints and materials to clean and bleach the walls. Walid Hassan emphasised that the terms of the Electrical Condition Report raised serious health and safety concerns due to the fact that the electrical installation was unsatisfactory and electrical items in the property are potentially dangerous.

Decision and Reasons

6. The Committee having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order, in relation to the Property concerned, determined 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 the failure be served on the Local Authority in which the property is situated.

7. They proceeded to make a Rent Relief Order in terms of section 27 of the Act, which order shall take effect 28 days after the date on which the decision to make the Rent Relief Order may be appealed under section 64 of the Act.

8. The Committee considered whether a Rent Relief Order should be made in terms of section 27 of the Act and determined that such an Order should be made given the Landlord's failure to comply with the RSEO without reasonable excuse. They then considered the amount by which the rent payable under the tenancy in question should be reduced. They considered the failure by the Landlord to carry out the repairs materially affected the Tenant's enjoyment of the property. They acknowledged that the dampness in the Property was due to both the repairs recommended in the Bromac Limited Report (the repairs to the slates and the guttering) and also condensation due to the Tenant's use of the Property. However they were concerned that the Landlord had not carried out the repairs recommended in the Bromac Limited report as required by the RSEO. Also they were very concerned that the electrical condition report was unsatisfactory and a number of electrical items in the Property had been classified as potentially dangerous. In all the circumstances they determined that an appropriate reduction in rent would be to reduce the rent payable under the tenancy by 90%. They considered that the Rent Relief Order should be effective from 28 days after the last date in which the decision the Rent Relief Order may be appealed under Section 64 of the Act.

Right of Appeal

9. 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

10. 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.

J Taylor

Signed ...
Chairperson



Date: 11th August 2016



PRHP Re-inspection report



Front elevation – 6 May 2016

Property: 7 Muirpark Drive, Bishopbriggs, G64 1RB

Ref no: PRHP/RP/15/0256

Surveyor: Sara Hesp LLB(Hons) BA(Hons) MRICS ACI Arb

Access:

I re-inspected the subject property on 6 May 2016 at 14.15. Access was provided by the tenant, Ms Catherine Bulloch. Her representative, Mr Raymond Heath of the Citizens Advice Bureau, was also present. The landlord, Ms Nicola Hetherington also attended, together with her representative, Mr Daniel Hughes of Core Property Management.

The weather was dry and warm.

Purpose of re-inspection:

The purpose of this re-inspection was to investigate whether work required under the Repairing Standard Enforcement Order dated 27 January 2016 had been completed.

The property had been previously inspected by a Committee of the Panel on 19 January 2016.

Under the Repairing Standard Enforcement Order, the landlord had been required:

- 1. To exhibit a report from a damp specialist, who is a member of the Property Care Association, in respect of the dampness in the Property and carry out the works recommended by 30 April 2016.*
- 2. To repair or replace the defective electrical sockets in the kitchen and bedroom and thereafter to exhibit a compliant Electrical Installation Condition Report by 30 April 2016.*
- 3. To repair or replace the defective fridge freezer by 30 April 2016.*

Work carried out:

1. The landlord has provided a report dated 5 May 2016 carried out by Bromac Ltd, a member of the Property Care Association. I received a copy of this report just prior to my re-inspection.

The report made the following recommendations:

- The landlord was advised to instruct a roofing contractor with a view to investigating and repairing missing tiles to the roof and defective guttering.



Rear elevation 19 January 2016

Part of rear elevation 6 May 2016

- The landlord was provided with a pamphlet on condensation by the specialist contractor. Various measures were advised for an occupier to reduce the amount of condensation present in the property.

On re-inspection, I took damp meter readings in the same areas of the property as during my previous inspection and I found that all were in the "green" part of the spectrum suggesting that there were not unusually high amounts of moisture present in the wall finishes.



Bedroom - 19 January 2016



6 May 2016

Mould growth remained evident in the bathroom and the tenant showed me where mould was affecting the furniture (particularly the bed) in the rear bedroom. However, the tenant has returned the dehumidifier, which she was previously operating, to the landlord.



6 May 2016

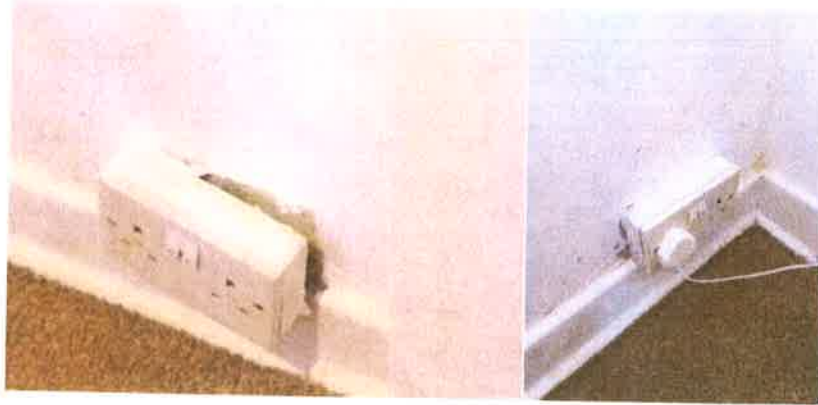
2. The defective electrical sockets in the kitchen and bedroom have been replaced or repaired.



Kitchen socket – 19 January 2016



6 May 2016



Bedroom socket – 16 January 2016

6 May 2016

3. The fridge freezer has been replaced.



Fridge freezer – 19 January 2016

6 May 2016

Outstanding matters:

1. The work recommended in the damp specialist's report of 5 May 2016 has not been carried out.
2. No Electrical Installation Condition Report has been received.

Comments:

This report will be distributed to the parties and their representatives for their comment. It will be referred afterwards to the Committee of the Private Rented Housing Panel for their consideration and further action.

Sara Hesp
Surveyor Member
Private Rented Housing Panel
10 May 2016



Rent Relief Order

Ordered by the Private Rented Housing Committee

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The Parties:-

Ms Catherine Bulloch residing in the Property ('The Tenant')

Nicola Hetherington c/o Core Property Management, Core Property House, 4 Claremont Place, Glasgow, G4 7YR ('The Landlord')

The Committee members are Jacqui Taylor (Chairperson) and Sara Hesp (Surveyor Member).

NOTICE TO the said Nicola Hetherington

Whereas in terms of their decision dated 11th August 2016, 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 Property 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 90% of the rent which would, but for the order, be payable. 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 are executed by Jacqui Taylor, Solicitor, 65, High Street, Irvine, chairperson of the Private Rented Housing Committee at Irvine on 11th August 2016 before this witness:-

witness

J Taylor

Keirsten Byrne

65 High Street

Irvine

KA12 0AL