



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/16/0082

Re: Property at 1 Arthur Street, Dunfermline, KY12 0PR, all as more particularly described in and registered in Land Certificate FFE18094 (hereinafter referred to as "the property").

The Parties:-

Miss Andrea Mann ("the Tenant")

Ms. Elizabeth Davis, c/o Fife Properties, 74A Chalmers Street, Dunfermline, KY12 8DG ("the Landlord")

The Committee comprised:-

Patricia Anne Pryce	-	Chairperson
Susan Napier	-	Surveyor Member

Background

- 1. On 11 May 2016, the Private Rented Housing Committee ("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 Housing (Scotland) Act 2006 ("the Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.**
- 2. The RSEO made by the Committee required the Landlord:-**
 - (a) To provide sufficient ventilation to ensure condensation can be eliminated.**
 - (b) To repair or replace the windows in the property to ensure they open and close freely.**
 - (c) To repair or replace the expelair machines in the kitchen and bathroom to ensure they are in proper working order.**
 - (d) To repair or replace the back door and lock to ensure the door fits the frame and can be locked from inside and out.**

A schedule of photographs taken by the Surveyor Member of the Committee is attached to this decision.

Hearing

7. The Committee then attended the hearing. No one else attended at the hearing.

Decision

8. The Committee notes that none of the works have been carried out in terms of the RSEO. All issues remain outstanding in terms of the RSEO.
9. The Committee takes the view that the Landlord has had ample time to carry out the remaining works.
10. Accordingly, the Committee takes the view that the Landlord's failure to implement all of the works amounted to a breach of the RSEO. In accordance with the relevant provisions of Section 26 of the 2006 Act, the Committee required to determine whether an RRO should be made. As the original tenancy was coming to an end and the Tenant was in the process of moving out of the property, the Committee decided not to make an RRO.
11. The Committee took the view that the works required by the RSEO had been outstanding for well over five months. The Committee took the view that these works could have easily been completed in that period of time. Furthermore, while the Committee notes the breakdown in the relationship between the parties, the Landlord did not even send a representative to the inspection or hearing on 21 October 2016 nor had she advanced any proceedings to exercise her right of access to the property.
12. 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, 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.
13. The decision of the Committee is unanimous.

Rights of Appeal

14. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
15. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

Effects of Section 63

16. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.

17. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

P. PRYCE

 Signed

Date 2 November 2016

Patricia Anne Pryce, Chairperson

PROPERTY – 1 ARTHUR STREET, DUNFERMLINE KY12 0PR

PHOTOGRAPHS OF INSPECTION ON 6 MAY 2016 AND REINSPECTION ON 21 OCTOBER 2016

6 May 2016

21 October 2016

Broken glass in Windows in two bedrooms (also showing mould growth on frames)



External Door to rear not secure

Screwed shut at Reinspection



Plasterwork in bedroom cupboard



Kitchen Units broken - 8 door and drawer fronts broken.



Susan Napier BSocSc, FRICS
Surveyor Member PRHP
31 October 2016