

*Central Three any
SM 17/8/11*



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

Flat 2/2, 26 Leven Street, Glasgow, G41 2JE

REINSPECTION

4th July, 2011

STATEMENT OF REASONS

INTRODUCTION

1. This was an application dated 26th January, 2011 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mr Matos Ferko ('the tenant') regarding the property known as and forming Flat 2/2, 26 Leven Street, Glasgow, G41 2JE Title Number GLA106439 ('the property'). The landlord of the property is Mr Irfan Razzaq ('the landlord') c/o Dixon Property ('the agent'), 701 Cathcart Road, Glasgow, G42 8YA. The Committee determined that the landlord was in breach of the repairing standard by decision and RSEO both dated 21st April, 2011.

THE RSEO

2. The RSEO ordered the landlord to at paragraph 3 to carry out the following repairs ('the Works');-
 1. *The pests, in particular rodents and insects, in the property require eradication to ensure that the property is in all other respects reasonably fit for human habitation.*
 2. *The gas cooker requires repair/replacement to ensure that the gas cooker is in a reasonable state of repair and in proper working order.*
 3. *The front door of the flat requires repair/replacement to ensure it is in a reasonable state of repair and in proper working order.*

THE REINSPECTION

3. The reinspection of the property was carried out on 4th July, 2011 by the surveyor member of the Committee. The surveyor prepared a report ('the report') dated 4th July, 2011 which concluded that the

landlord has failed to comply with the terms of the RSEO. The said report was intimated to the parties for comment and the landlord has failed to comment on this or explained his reasons for his failure to comply with the RSEO.

DECISION & REASONS

4. The Committee determines that the landlord is in default of the RSEO. The Committee having considered the terms of the report considered whether a Rent Relief Order ('RRO') should be made in terms of section 27 of the Act and determined that an RRO should be made given the landlord's failure to comply in full with the RSEO without reasonable excuse.
5. The Committee then considered the amount by which the rent should be reduced taking into account (1) the impact on the tenant of the failure to carry out the repairs, and (2) the failure by the landlord to carry out the repairs in direct contravention of an Order made by this Committee.
6. The Committee having made such enquiries as it deems appropriate determines that the landlord has failed to comply with the RSEO in terms of section 26(1) of the Act and that notice of this failure shall be served on the relevant local authority.
7. Accordingly, in the circumstances the Committee determines that an RRO should be made in terms of section 27 of the Act and determines that an appropriate deduction is 90%.

EFFECTIVE DATE

8. The RRO is effective 28 days after the last date in which the RRO can be appealed under section 64 of the Act.

RIGHT OF APPEAL

9. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

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. 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.

Signed **S. Walker**

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

12th August, 2011