



Determination by Private Rented Housing Committee

Statement of Decision of the Private Rented Housing Committee

(Hereinafter referred to as “the committee”)

Under Section 26(1) of the Housing (Scotland) Act 2006 (“the Act”)

Case Reference Number: PRHP/RP/15/0250

Re: 2 Ardnahoe Place, Toryglen, Glasgow G42 0DQ (“the property”)

Land Register Title No: GLA199825

The Parties:-

Mrs Shafqat Gafoor, residing at the property (“the tenant”)

**Mr Shakeel Haider Shahid, Flat 0/2, 61 Westmoreland Street, Glasgow G42 8LJ
or 61 Jamieson Street, Glasgow G41 7HA (“the landlord”)**

**The committee: – Sarah O’Neill (Chairperson); George Campbell (Surveyor
Member)**

Decision

The committee determined that the landlord has failed to comply with the Repairing Standard Enforcement Order.

The committee decided to make a Rent Relief Order reducing the rent payable in respect of the property by 90%.

The committee’s decision was unanimous.

Background

1. On 20 January 2016, the committee issued a determination that the landlord had failed to comply with his duties under 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 to:
 1. Repair or replace the roof, walls and windows of the property as necessary to ensure that they are wind and watertight and in all other respects reasonably fit for human habitation.
 2. Repair or replace the plumbing in the bathroom as necessary to ensure that no further leakages occur into the kitchen below.
 3. Engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out an Electrical Installation Condition Report (EICR) on the entire electrical installation of the property.
 4. Carry out works as recommended by that EICR to ensure that the electrical installation is safe, functional and in proper working order, and provide a Domestic Electrical Installation Certificate for any works carried out.
 5. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard, particularly including the ceiling and flooring in the kitchen.
3. The Private Rented Housing Committee ordered that the works specified in this order were to be carried out and completed within the period of twelve weeks from the date of service of the RSEO.
4. On 25 April, the surveyor member of the committee carried out an inspection of the property for the purpose of ascertaining whether the repairs required by the RSEO had been completed. The tenant was present at the re-inspection. The landlord was not present or represented at the re-inspection. A copy of the re-inspection report is attached as an annex to this decision.
5. The surveyor member determined that none of the repairs required by the RSEO had been undertaken.

Reasons for the decision

6. Following the surveyor's re-inspection of the property, the re-inspection report was sent to the parties. The parties were asked to confirm whether they agreed with the findings of the report, and whether they wished to attend a further hearing or if they were content for the committee to make a decision without an oral hearing. No response was received from either party. A further hearing was therefore arranged for 14 July, in accordance with regulation 16(1) of the Private Rented Housing Panel (Tenant and Third Party Applications) (Scotland) Regulations 2015. Shortly before the hearing, it became apparent to the committee that, due to an administrative error, the parties had not been given adequate notification of the hearing. A further hearing was therefore arranged for 1 September 2016.
7. Neither party was present or represented at the hearing. The committee considered whether in terms of regulation 15 of the Private Rented Housing Panel (Tenant and Third Party Applications) (Scotland) Regulations 2015, the requirements regarding the giving of notice of a hearing had been complied with. The committee was aware that there had been difficulties in notifying the landlord, as the letters to the landlord informing him of the 14 July hearing date, which had been sent by recorded delivery to both addresses held for him (Flat 0/2, 61 Westmoreland Street, Glasgow G42 8LJ and 61 Jamieson Street, Glasgow) had been returned as undelivered. The panel therefore instructed sheriff officers to serve on the landlord the letter notifying him of the 1 September hearing.
8. The letters were served by Walker Love sheriff officers by leaving these in the hands of the landlord's respective tenants at both of the addresses mentioned, as evidenced by certificates of intimation both dated 11 August 2016. The sheriff officers also attempted to serve a copy of the letter on the landlord at his place of work on the same date, but were advised that he had left his employment there 6-8 weeks earlier, and was believed to have returned to India. The General Manager at his place of employment advised the sheriff officers that he did not know whether the landlord intended to return to Scotland.
9. The committee determined that, in the circumstances, every possible effort had been made to provide the requisite notice of the hearing in terms of regulation 15 of the 2015 regulations. It noted that a fax had been received from the landlord on 21 December 2015 in response to the committee's direction, which confirmed that the landlord was aware of the tenant's application. There had been no contact from the landlord after that date, but the committee was satisfied that the landlord was aware of the proceedings and the existence of the RSEO. It therefore decided to proceed to make a

decision on the basis of the re-inspection report and all other evidence before the committee.

10. The committee was very concerned about the impact which the failure to carry out the repairs were having on the health and safety of the tenant. The committee considered whether a Rent Relief Order should be made in terms of section 27 of the Act. The committee determined that such an order should be made, given the landlord's failure to comply with the RSEO without reasonable excuse. The committee then considered the amount by which the rent payable under the tenancy should be reduced. Given the circumstances and the adverse effect which the failure to carry out the repairs is having on the tenant, the committee determined that an appropriate reduction in rent would be to reduce the rent payable under the tenancy by 90% until the repairs have been carried out.
11. The committee considered that the Rent Relief Order should be effective from 28 days after the last date on which the Rent Relief Order decision may be appealed under section 64 of the Act.
12. The committee, having made such enquiries as are fit for the purposes of determining whether the landlord has complied with the RSEO, in relation to the property concerned, determines 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 this failure should be served on the local authority in whose area the property is situated.
13. The committee therefore makes a Rent Relief Order in terms of section 27 of the Act, which order shall take effect from 28 days after the last date on which the Rent Relief Order decision may be appealed under section 64 of the Act.

Right of Appeal

14. A landlord or tenant aggrieved by the decision of a Private Rented Housing 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 panel or the committee which made the decision.

Effects of Section 63 of the 2006 Act

16. Where such an appeal is made, the effect of the decision and 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

decision and the order are to be treated as having effect from the day on which the appeal is abandoned or so determined.

S O'Neill

Signed.....

Date 7/9/16.....

Chairperson



Rent Relief Order by the Private Rented Housing Committee (“the committee”)

Case Reference Number: PRHP/RP/15/0250

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Land Register Title No: GLA199825

The Parties:-

Mrs Shafqat Gafoor, residing at the property (“the tenant”)

**Mr Shakeel Haider Shahid, Flat 0/2, 61 Westmoreland Street, Glasgow G42 8LJ
or 61 Jamieson Street, Glasgow G41 7HA (“the landlord”)**

NOTICE TO MR SHAKEEL HAIDER SHAHID (“THE LANDLORD”)

Whereas in terms of its decision dated 7 September 2016, the committee determined in terms of section 26(1) of the Housing (Scotland) Act 2006 (‘the 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 Act, reducing the rent payable in respect of the property by 90%. 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 Act.

A landlord or tenant aggrieved by the decision of a 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 typewritten on this and the preceding page are signed by Sarah Frances O'Neill, solicitor, Chairperson of the Private Rented Housing Committee, at Glasgow on the 7th day of September Two Thousand and Sixteen before this witness:

_____ witness S O'Neill _____ chairperson

JANET KANE name in full

EUROPA BUILDING Address

450 ARCADE STREET

GLASGOW

PANEL CLERK Occupation



PRHP Re-inspection report



Property: 2 Ardnahoe Place, Toryglen, Glasgow G42 0DQ

Ref no: PRHP/RP/15/0250

Surveyor: George Campbell

Weather: Sunshine, dry, windy and cool

Access: Monday 25 April 2016 at 11.00 hours

In attendance: Mrs Shafquat Ghafoor, Tenant and Mr Abdul Razzaq

RSEO: The Private Rented Housing Committee require the Landlord:-

1. Repair or replace the roof, walls and windows of the property as necessary to ensure that they are wind and watertight and in all other respects reasonably fit for human habitation.
2. Repair or replace the plumbing in the bathroom as necessary to ensure that no further leakages occur into the kitchen below.
3. Engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out an Electrical Installation Condition Report (EICR) on the entire electrical installation of the property.
4. Carry out works as recommended by that EICR to ensure that the electrical installation is safe, functional and in proper working order, and provide a Domestic Electrical Installation Certificate for any works carried out.
5. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard, particularly including the ceiling and flooring in the kitchen.

Works in RSEO undertaken:

At inspection, none of the above work had been done but temporary repairs to the collapsed kitchen ceiling had been done by Mr Abdul Razzaq for the Tenant.

Works in RSEO outstanding:

At inspection, all of the above work is still outstanding and the battery-operated smoke alarm (as referred to in the "Observations by the committee" in the Statement of Reasons for the Determination dated January 2016) in the hall is no longer working.

George Campbell, Surveyor

Dated: 25 April 2016

Photographs taken at 2 Ardnahoe Place, Toryglen, Glasgow G42 0DQ on 25 April 2016
(PRHP/RP/15/0250)



01 – Kitchen ceiling (temporary repairs)



02 – Kitchen ceiling at window (temporary repairs)



03 – Kitchen floor



04 – Bathroom ceiling



05 – Bathroom floor (new lino)



06 – Upstairs hall (from stair window)



07 – Toilet (under stairs)

Photographs taken at 2 Ardnahoe Place, Toryglen, Glasgow G42 0DQ on 11 January 2016
(PRHP/RP/15/0250)



01 – Front elevation



02 – Living room window (front)



03 – Kitchen ceiling



04 – Kitchen ceiling at window



05 – Kitchen floor



06 – Ground floor Bedroom window (gable)



07 – Ground floor Bedroom



08 – Stair window (water on sill)



09 – Wall above stair window



10 – Stair well (left of stair window)



11 – Upstairs hall (from stair window)



12 – Front Bedroom small (gable corner)



13 – Front Bedroom (small) window



14 - Front Bedroom (small) window



15 – Front Bedroom (front wall)



16 – Front Bedroom (small)



17 – Front Bedroom (large)



18 – Front Bedroom (large)



19 – Front Bedroom (large) window



20 – Rear Bedroom



21 – Rear Bedroom



22 – Rear Bedroom



23 – Rear Bedroom (severe dampness on wall)



24 - Bathroom



25 - Bathroom ceiling



26 – Main electricity board



27 – WC & WHB (under the stairs) – light switch



28 - WC & WHB (under the stairs)



29 – Lower hall - battery operated smoke detector



30 – Gas boiler