



Determination by Private Rented Housing Committee

Statement of decision of the Private Rented Housing Committee under Section 25 (1) (b) of the Housing (Scotland) Act 2006

PRHP Ref: PRHP/ML5/106/10

Re: The flatted dwellinghouse being the subjects situated at and known as Flat 1E Langloan Street, Coatbridge ML5 1HH, being the subjects registered in the Land Register of Scotland under Title Number LAN185539 ("the Property")

The Parties:-

MR JACEK LEDWON, residing at Flat 1E Langloan Street, Coatbridge ML5 1HH ("the Tenant")

and

MHAIRI SIOBHAN AINSWORTH, residing at 3 Stanley Park, North Biggar Road, Airdrie ML6 6EJ ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has now complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the property, and taking account of the evidence led by the Landlord at the hearing, determined that work required by the Repairing Standard Enforcement Order relative to the property served on 22nd November 2010 is no longer necessary, and the Repairing Standard Enforcement Order should be revoked..

Background

- 1 The Private Rented Housing Committee issued a Repairing Standard Enforcement Order in respect of the property dated 19 November 2010.
- 2 The Private Rented Housing Committee re-inspected the property on 14 January 2011 in order to ascertain whether the work required by the RSEO had been completed.
- 3 As at the date of the re-inspection the Tenant had vacated the property. It was understood that the Tenant had vacated the property voluntarily in December 2010. The Tenant was not present at the re-inspection, nor did the Tenant attend the subsequent hearing in relation to this case, which was held on the same date. The Landlord was present at the re-inspection. The Landlord also attended a hearing held on 14 January 2011 at The Georgian Hotel, Coatbridge.

- 4 In the course of their re-inspection the Committee noted that the Landlord had carried out some further repairs to the kitchen ceiling, where a small section of the ceiling which had been affected by previous water ingress had been re-plastered.
- 5 The Committee further noted that the wooden flooring in the hallway had been re-laid and appeared to be in a reasonable state of repair.
- 6 The Committee noted that the intercom handset within the property was still not in proper working order.
- 7 At the subsequent hearing, which was attended by the Landlord, the Landlord gave evidence to the Committee. The Landlord explained that prior to the granting of the RSEO works had been carried out to the roof to address the issues of water ingress. She had been assured by the contractors who had carried out this work that they had resolved the problem of water ingress to the property. The Landlord was not aware of any continuing problems with regard to water ingress into the kitchen of the property. The Landlord had completed some plasterwork repairs to the ceiling of the kitchen where there had been past water ingress.
- 8 With regard to repair of the intercom handset the Landlord explained that an electrician had examined this apparatus. The main fault with the apparatus appeared to be the locking mechanism at the common door at the entrance to the flats. This locking mechanism was owned in common with other owners in the block of flats in which the property was situated. The Landlord had made several calls and reports to the local authority (in their capacity as factors of the block of flats in which the property is situated) in relation to the fault with the door entry system. The Landlord gave evidence that she was unable to comply the RSEO because she did not have the necessary rights of absolute ownership to take forward the repair and that she relied on the local authority as factors of the property to carry out the repair. She would continue to press the local authority to have the door entry system repaired.
- 9 Having viewed the property and having heard further evidence from the Landlord, the Committee were satisfied that:-
 - (a) There was no current evidence of water ingress or leaks into the kitchen of the property. The Landlord had carried out some further minor plaster work repairs, there was no continuing evidence that the property was not wind and watertight.
 - (b) The Landlord had completed the work required in the RSEO to repair the wooden flooring.
 - (c) The Landlord had taken reasonable steps to address the issue of the faulty door entry system/intercom handset. The Landlord lacked the necessary rights to complete these works.
- 10 In all the circumstances and given that the Landlord appeared to have taken reasonable steps to comply with the RSEO, the Private Rented Housing Committee considered that the Repairing Standard Enforcement Order relative to the property was no longer necessary.

Decision

- 11 The Private Rented Housing Committee having determined that the work required by the Repairing Standard Enforcement Order relative to the property was no longer necessary, the Committee determined that the Repairing Standard Enforcement Order should be revoked forthwith.

Right of Appeal

- 12 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

- 13 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.

A Cowan

Signed
Chairperson

Date 31/1/11

C A Millar

...Witness

Carol Anne Millar

7 West George Street
Glasgow G2 1BA



Notice of Decision to Revoke
A Repairing Standard Enforcement Order
Ordered by Private Rented Housing Committee

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NOTICE TO MHAIRI SIOBHAN AINSWORTH, residing at 3 Stanley Park, North Biggar Road, Airdrie ML6 6EJ ("the Landlord")

The Private Rented Housing Committee having determined on 14 January 2011 that the work required by the **Repairing Standard Enforcement Order** relative to the property served on 22nd November 2010 is no longer necessary, the **Repairing Standard Enforcement Order is hereby revoked** with effect from the date of service of this Notice.

A landlord or a tenant aggrieved by this 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 revocation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the revocation will be treated as having effect 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 Andrew Stuart Cowan, Solicitor, 7 West George Street, Glasgow G2 1BA, Chairperson of the Private Rented Housing Committee at Glasgow on 31st January 2011 before this witness:

C A Millar

(witness)

A Cowan

(Chairman)

Name: Carol Anne Millar
Address: 7 West George Street, Glasgow G2 1BA
Occupation: Legal Secretary