

PRIVATE RENTED HOUSING COMMITTEE

STATEMENT OF DECISION

HOUSING (SCOTLAND) ACT 2006

SECTION 24

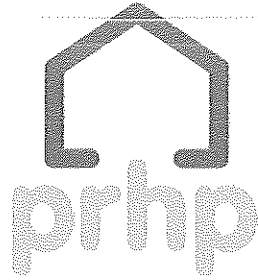
PROPERTY AT 15 LANGDALE STREET GLASGOW G33 1DR

TITLE NUMBER GLA 104974

TENANT: RICHARD BEST, 15 LANGDALE STREET GLASGOW

LANDLORD: EDWARD SMITH, PER N&L PROPERTY
MANAGEMENT, 106 MAIN ST, BAILLIESTON, GLASGOW

PRHP ref: PRHP/RP/14/0269

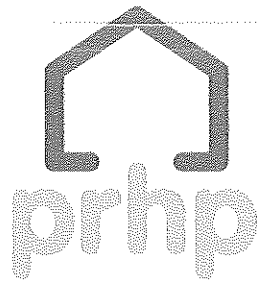


DECISION:

1.The Committee, having made such enquiries as is fit for the purposes of determining whether the landlord has complied with the duty imposed by section 14(1) (b) of the Housing (Scotland) Act 2006 in relation to the property and taking account of the whole oral and written evidence provided by the tenant and the landlord's agents, hereby determines that the landlord has complied with the aforesaid duty imposed by section 14 (1)(b) of the Act.

2.By application dated 10/11/14 the tenant applied to the Private Rented Housing Panel (PRHP) for a determination as to whether or not the landlord had failed to comply with the duties imposed by section 14(1)(b) of the Act.

3.The application detailed a number of areas in which the tenant claimed the landlord had failed to ensure compliance with the terms of the Act. Parties had agreed to use the mediation process and that process resolved some, but not all, issues in dispute between the parties. By way of Minute of Decision dated 10/8/15 the President of the PRHP referred the case to a Private Rented Housing Committee to determine the outstanding issue.



The Committee comprised the following members:

Mrs A. McCamley, Legal Member

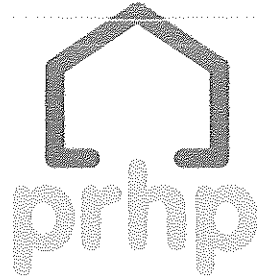
Mr R. Burnett, Surveyor Member

4.The issue to be determined relates to the tenant's complaint as follows:-

'The property is affected by dampness. This manifests as black mould on all the window frames, skirting and walls. This affects every room in the house.'

5.The Committee inspected the property on the morning of 1/10/15. The tenant was present as was his wife and the youngest of his 3 children. We are most grateful to Mrs Best for her patience during the inspection. She was in some discomfort being due to deliver twins that day. The landlord did not attend nor was he represented at the inspection.

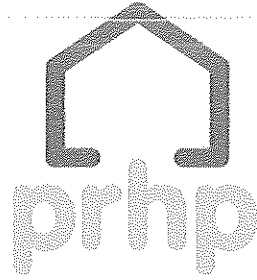
6.Following the inspection of the property the Committee held a Hearing at Wellington House Glasgow. Mr Best attended the Hearing and the landlord was represented Paula Thompson and Helen McGuire of N&L Properties. During this Hearing it became apparent both parties believed specialist reports had been lodged with the Committee. These reports may have formed part of the mediation process but had not been lodged



with the committee. Accordingly, in the interests of justice, the committee adjourned the hearing until today to allow parties to lodge their respective reports.

7. The committee reconvened on 17/11/15 within Wellington House. The tenant and the landlord's representatives were in attendance. All parties had copies of the specialist reports.

8. The landlord had commissioned a report on the dampness problem from Wise Property Care, a Property Preservation Company and damp proof specialist member of the Property Care Association. The company carried out a survey of the property on 27/1/15. Black spots on wall and window surrounds were noted along with relative humidity levels over 70%. The report concluded this was as a result of condensation and advised the property required adequate ventilation in tandem with a constant and moderate temperature to resolve matters. Recommendations were made as to how to achieve this. The survey also noted the tenant was drying washing on radiators, the windows and the trickle vents were all closed, and the house was very warm. The report suggested the tenant be provided with information on how to avoid condensation dampness in domestic property.



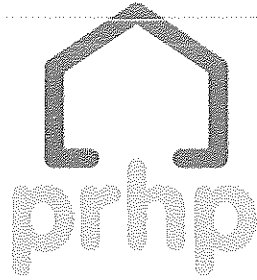
9. By February 2015 and in response to the recommendations in the report, the landlord had installed a Dri Air Ventilation system, fitted an extractor fan in the bathroom and applied anti damp fungal paint to all walls. Thereafter he redecorated the rooms and fitted new carpets.

10. In May 2015, the tenant instructed a report from Professor Tim Sharpe, who, we believe, is a researcher and academic architect. Professor Sharp's report concluded the property was subject to dampness and mould growth due to poor thermal performance. He noted remedial measures had been attempted but opined that such measures would not resolve the underlying problem of poor thermal performance. He went on to recommend a very comprehensive program of building work.

11. The committee inspected the property on 1/10/15 at around 10.30am. The weather was misty. This is a lower flat, part of a 4 in a block style property.

Our surveyor member used a moisture meter in all rooms. The readings were within acceptable levels. We did not see any mould growth. We noted the windows and trickle vented were closed, clothing was draped over radiators and the curtains closed. The central heating was on. (At today's hearing the tenant told us the heating was set at 27 degrees).

12. At the hearing the tenant confirmed the ventilator is in working order. He thinks it may have added about £6 per week to his electricity



costs however it is difficult for him to be accurate as costs have increased as a result in price increases. The ventilator hums but the noise is not disturbing. The tenant also confirmed the bathroom extractor fan is in working order. He advised he used the fan at bathtime but the bathroom windows always ran with water. Mr Best explained the family used anti fungal sprays to wipe windows and surfaces in the house.

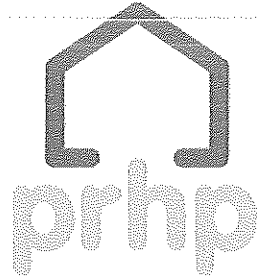
When prompted through questioning, he told us two of his children had had respiratory illnesses but one of them was now growing out of the problem.

He told us the dampness had improved over the summer and volunteered that some of his domestic arrangements would result in condensation. He stated mould had started to appear again on the walls.

13.The landlord's representatives submitted the landlord had instructed a report from a firm of recognized damp proof specialists and had gone on to follow the recommendations of the report.

14. In considering the repairing standard issue the committee carried out an internal and external inspection of the property and closely examined the specific problem of dampness highlighted by the tenant in his application and detailed in correspondence and reports. In addition the committee carefully considered the oral evidence and submissions.

15.Visual inspection of the property showed some window panes 'running' with water although the electronic moisture meter did not show

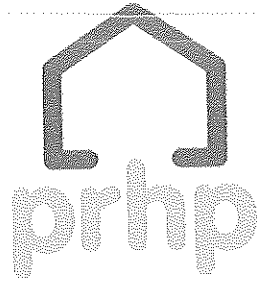


the presence of dampness in the property. On balance of probability we concluded the windows were 'running' with moisture because the windows, trickle vents and curtains remained closed in the middle of the morning. We also noted clothes draped over radiators.

16. Having inspected the property and taken account of the oral and written evidence and thereafter being guided by the committee's surveyor member the committee finds the following to be established.

- a. The property has been subject to dampness problems.
- b. The landlord has implemented the terms of a specialist report to address those problems.
- c. The equipment provided to resolve the dampness is in working order.
- d. On the day of the inspection there was no mould growth visible and moisture meter reading were within normal range.
- e. The remedial measures put in place by the landlord are effective in alleviating the dampness.

17. Having considered the terms of the two specialist reports the committee appreciated the dampness had been worst over the winter months. The remedial measures were put in place in late February. Professor Sharpe's report showed high moisture readings in early May however by October when the committee inspected the remedial measures appeared to have taken effect. The tenant told us he believed the dampness would return in bad weather. Professor Sharpe's report



opines that the property will be subject to dampness until its poor thermal performance is addressed and rectified.

18. On balance of probability the committee is satisfied any reported dampness has currently resolved. Measures have been put in place by the landlord to combat that dampness. Those measures appear to be effective. Should the measures prove ineffective the tenant has the right to lodge a fresh application with the Private Rented Housing Panel.

19. The Panel determines that the landlord has complied with the duty imposed by section 14 (1) (b) of the Act.

20. A landlord or tenant aggrieved by the decision of this committee may appeal to the Sheriff by way of Summary Application. Where such an appeal is made, the effect of the decision 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 will be treated as having effect from the date on which the appeal is abandoned or so determined.

A McCamley

Chairman Private Rented Housing Committee
17/11/15