



## PRIVATE RENTED HOUSING PANEL

### DETERMINATION UNDER SECTION 24 OF THE HOUSING (SCOTLAND) ACT 2006

#### THE PROPERTY

Flat 0/2, 16 Windmill Road, Hamilton, ML3 6LU registered in the Land Register for Scotland under title number LAN8446

#### The Parties

Ms Mandy Hladiak, formerly residing at the property (“the applicant”)

Note: The application having been withdrawn; the tenancy under which the application was made, having been lawfully terminated; and the Committee having determined to continue with the determination of the application in terms of Minute of Continuation dated 21 December 2015 under Schedule 2 Paragraph 7(3) of the Act; there was no tenant

and

Mr Donald Mackay per Mortgage Matters, 50 – 52 Quarry Road, Hamilton ML3 6LU  
 (“the landlord”)

PRHP Reference: PRHP/RP/15/0237

Committee Members – David Preston (Chairperson); Andrew Taylor, (Surveyor Member).

#### Decision:

The Committee, having made such enquiries as are fit for the purposes of determining whether the landlord had complied with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 (hereinafter referred to as “the Act”) in relation to the property, and taking account of the representations by the landlords and the former tenant, determined that the landlord had complied with the said duty.

#### Background

1. By application dated 22 August 2015 the applicant sought a determination of whether the landlord had failed to comply with the duties imposed by section 14(1)(b) of the Act.

2. The applicant alleged that the landlord had failed to meet the Repairing Standard in respect that: the building was full of dampness; it was rotting behind the kitchen sink; there were small black bugs everywhere in the toilet; and the windows only opened about three centimeters. She complained that she had been flooded from above which had damaged her property.
3. By letter dated 17 September 2015 the applicant advised that she had removed from the property on 7 September 2015. On 3 December the landlord submitted representations to advise that the issues were being attended to and seeking an adjournment of the inspection and hearing which had been fixed for 7 January 2016 until mid-February to allow for the work to be completed. The Committee issued a Minute of Continuation dated 21 December 2105.
4. On 23 February 2016 the Committee attended at the property for the purpose of carrying out an inspection. Mr Rob Robertson and Mr Frank Breen were in attendance throughout the inspection to represent the landlord.
5. The property comprised a ground floor flat in a flatted four storey detached property – see attached photographs. Accommodation comprised: living room; kitchen; bedroom; and bathroom.
6. On inspection the Committee noted that all the outstanding repairs complained of by the applicant had been attended to, and smoke detectors, heat detectors and carbon monoxide monitor were all fitted.
7. The Committee was provided with receipted invoices in respect of installation of new bathroom, repairs to the ceiling in the living room, external repairs to gutters and downpipes, installation of smoke alarms; replacement of windows, re-decoration and plasterwork, and replacement kitchen units.
8. A Schedule of photographs is attached hereto
9. Accordingly the Committee determined that the landlord had complied with the duty imposed by section 14 (1) (b) of the Act.

### **Right of Appeal**

**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 section 63**

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 were be treated as having effect from the day on which the appeal is abandoned or so determined.

26/02/2016

X 

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CHAIRMAN

Signed by: DAVID MICHAEL PRESTON



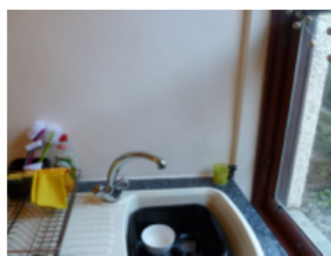
18 Windmill Road, Hamilton, ML3 6LU  
PRHP/RP/15/0237  
Schedule of Photographs - Inspection Date 22/02/2016  
Weather – Clear, cold and dry



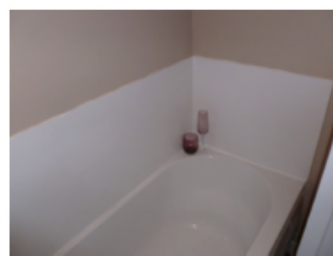
1. The property



2. Cupboard under sink



3. Wall at sink unit



4. New bathroom suite