



Determination by Private Rented Housing Committee

**Statement of decision of the Private Rented Housing Committee under Section 26 (1)
of the Housing (Scotland) Act 2006**

Reference Number: PRHP/RP/15/0248

Re: Property at Flat 1/1, 1 Clutha Street, Glasgow, G51 1BL all as more particularly described in and registered in Land Certificate GLA83306 (hereinafter referred to as “the property”).

The Parties:-

Mrs Samira Mohammed (“the Tenant”)

Shawlands Limited, 1353 Pollokshaws Road, Glasgow, G41 3RG (“the Landlord”)

The Committee comprised:-

Patricia Anne Pryce	-	Chairperson
Mike Links	-	Surveyor Member
Thomas Keenan	-	Housing Member

Background

1. On 23 November 2015 date, the Private Rented Housing Committee (“the Committee”) issued a determination which stated that the Landlords had failed to comply with the duties imposed by 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 Landlords to:-
 - “(a) To repair all of the windows in the property by ensuring that there is adequate pointing around all of the windows, to ensure that it is wind and watertight and in proper working order.
 - (b) To repair the electrical sockets located in the living room of the property.

(c) To produce an up to date electrical installation condition report that the said installation meets BS 7671 and an in service inspection and test report on all electrical appliances and equipment from a competent suitably qualified and registered electrician and to complete any repairs identified within said report.

3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within 28 days of the date of service of the Notice, that is, by 21 December 2015.
4. On 19 January 2016, the surveyor member of the Committee which issued the RSEO attended at the property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. He found that not all of the works specified in the RSEO had been carried out and that the said specified works had not been completed in that: external re-pointing to all remaining windows except the kitchen window had not been done and the production of an up to date electrical installation condition report that the said installation meets BS 7671 and an in service inspection and test report on all electrical appliances and equipment from a competent suitably qualified and registered electrician and to complete any repairs identified within said report had not been carried out.
5. A copy of the re-inspection report of the surveyor member was sent to the Landlords. The Landlord responded to this by emailing the Committee on 23 February 2016 advising that the Tenant had refused the Landlord entry to the property on several occasions. The Landlord advised that the Landlord had called Police Scotland to try and gain entry to the property to carry out the outstanding repairs and wished the Committee to check with the Police as regards this incident. Further, the Landlord wished the Committee to write to the Tenant to request access for the Landlord and the Landlord's contractor. The Landlord has failed to exercise any of the Landlord's rights in law to gain lawful entry to the property for the purposes of the outstanding repairs.

Decision

6. The Committee notes that some of the works have been carried out in terms of the RSEO. However, the Committee notes that no electrical testing report has been received from the Landlord and that the required works to the windows remain outstanding which are required to make the property wind and watertight. These issues remain outstanding in terms of the RSEO.
7. The Committee takes the view that the Landlord has had ample time to carry out the remaining works and that the Landlord has failed to take steps to attempt lawful entry to the property for the purposes of carrying out the outstanding works. The Landlord appears to be of the erroneous view that it is for the Committee to arrange entry to the property for the Landlord. The Committee takes the view that the Landlord's failure to implement all of the

works amounted to a breach of the RSEO. In accordance with the relevant provisions of Section 26 of the 2006 Act, the Committee required to determine whether an RRO should be made.

8. The Committee took the view that the works required by the RSEO had been outstanding for well over four months. The Committee took the view that these works could have easily been completed in that period of time. The Committee took the view that the failure to carry out the works was having an impact on the Tenant's ability to fully enjoy the property. The Committee took the view that the state of repair of the windows presented a potential danger to the Tenant and her family and was a health and safety concern as the property was not wind and water tight. The Committee took the view that the outstanding works required by the RSEO in relation to the electrical appliances and equipment were also a potential health and safety concern to the Tenant and her family.
9. In all the circumstances, the Committee determined that they would make a Rent Relief Order (RRO). The Committee took the view that the appropriate proportion of rent which should be subject to the RRO was 40% of the monthly rent of £575, namely £230 per month. The Committee accordingly determined to make an RRO in those terms.
10. The decision of the Committee is unanimous.

Rights of Appeal

11. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
12. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

Effects of Section 63

13. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.

14. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Patricia Anne Pryce

Signed

Date 16th March 2016

Patricia Anne Pryce, Chairperson



Rent Relief Order

Ordered by the Private Rented Housing Committee

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Re: Property at Flat 1/1, 1 Clutha Street, Glasgow, G51 1BL all as more particularly described in and registered in Land Certificate GLA83306 (hereinafter referred to as "the property").

The Parties:-

Mrs Samira Mohammed ("the Tenant")

Shawlands Limited, 1353 Pollokshaws Road, Glasgow, G41 3RG ("the Landlord")

NOTICE TO: Shawlands Limited, 1353 Pollokshaws Road, Glasgow, G41 3RG ("the Landlord")

In terms of their decision dated 23 November 2015, the Private Rented Housing Committee ("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 said Act reducing the rent payable under the tenancy for the property by an amount of 40% of the monthly rent (being £230 per calendar month of the current monthly rent of £575) which would, but for the order, be payable. 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 said Act.

A landlord or a 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.

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.

Patricia Anne Pryce

Signed

Date 16 March 2016

Patricia Anne Pryce, Chairperson

Private Rented Housing Committee