

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

RENT RELIEF ORDER: Housing (Scotland) Act 2006 Section 27

Chamber Ref: PRHP/RP/15/0260

Property at: 5B Keir Avenue, Raploch, Stirling, FK8 1QL

Title No: STG25149

The Parties

Miss Debbie Goodbrand, residing at 5B Keir Avenue, Raploch, Stirling, FK8 1QL
("the tenant")

and

Mr Athar Almass Firdous, residing at 32 Alpin Drive, Dunblane, FK15 0FQ ("the landlord")

NOTICE TO Mr Athar Almass Firdous, residing at 32 Alpin Drive, Dunblane, FK15 0FQ ("the landlord")

NOTICE TO Mr Athar Almass Firdous, residing at 32 Alpin Drive, Dunblane, FK15 0FQ ("the landlord")

Whereas in terms of its decision dated 21 December 2015, the First-tier Tribunal for Scotland (Housing and Property Chamber) (formerly the Private Rented Housing Panel) ("the tribunal") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the house made by the tribunal.

The tribunal 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 house by an amount of 75% of the rent 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, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal on a point of law only within 30 days of the date the decision was sent to them.

If a party seeks permission to appeal and this permission is refused, the decision will be treated as having effect from the day on which the refusal is made (unless the party then seeks permission from the Upper Tribunal to appeal the decision. In that event, if permission is refused, the decision is treated as having effect from the day on which the Upper Tribunal refuses the permission).

If permission for an appeal against the decision of the tribunal is granted, then the effect of the decision and the Rent Relief Order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal. In the event that the decision is upheld, then the decision will be treated as having effect from the day on which the appeal is abandoned or so determined. The Rent Relief Order will be effective 28 days from the date on which the appeal is abandoned or so determined.

If an application for permission to appeal is received, then the tribunal will notify you of this and the eventual outcome of that application and any subsequent appeal.

Signed
Chairperson

P Doyle

23 December 2016

Housing and Property Chamber

First-tier Tribunal for Scotland



First-tier tribunal for Scotland (Housing and Property Chamber)

STATEMENT OF DECISION: Housing (Scotland) Act 2006 Section 24 (1)

Chamber Ref: PRHP/RP/15/0260

Property at: 5B Keir Avenue, Raploch, Stirling, FK8 1QL

Title No: STG25149

The Parties

Miss Debbie Goodbrand, residing at 5B Keir Avenue, Raploch, Stirling, FK8 1QL
("the tenant")

and

Mr Athar Almass Firdous, residing at 32 Alpin Drive, Dunblane, FK15 0FQ
("the landlord")

Tribunal Members

Paul Doyle	Chairperson
Andrew Taylor	Surveyor Member

NOTICE TO Mr Athar Almass Firdous, residing at 32 Alpin Drive, Dunblane, FK15 0FQ ("the landlord")

STATEMENT OF FACTS & REASONS.

(1) On 24 December 2015 the First-tier Tribunal for Scotland (Housing and Property Chamber) (Formerly known as the Private Rented Housing Panel('the tribunal') issued a decision requiring the Landlord to comply with the repairing standard enforcement order made by the tribunal on 21 December 2015. By email (received 4 February 2016) the landlord stated that he had not carried out any of the required works. The landlord explained that he had been declared bankrupt, but intended to petition for recall of his sequestration. In the meantime, he says he has no intention of carry out the required works.

(2) The decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) ('the tribunal') required the landlord to

- (i) Replace the damaged double glazing unit to living room window.
- (ii) Carry out such works as are necessary to eliminate water ingress at living room window at cill level, include all making good.
- (iii) Securely refix kitchen central heating radiator to wall.
- (iv) Repair or replace the back door so that it is secure, wind and watertight, capable of being locked and in proper working order.
- (v) Carry out such works as are necessary to eliminate water ingress adjacent to back door frame, include all making good.
- (vi) Repair the holes in ceilings in the kitchen and the front facing bedroom and make good.
- (vii) Repair or replace the damaged laminate flooring in hall to eliminate trip hazard.
- (viii) Repair or replace insecure bath including making good seals at wall.
- (ix) Repair WC cistern mechanism to eliminate running overflow.
- (x) Carry out a certificated electrical condition check (EICR) on the entire electrical installation of the property, by a suitably qualified and registered SELECT or NICEIC electrical contractor.
- (xi) Carry out all works as recommended by that check to ensure that the electrical installation is safe, functional and in proper working order. These works to include the repair or replacement of the instantaneous shower unit.
- (xi) Provide a Domestic Electrical Installation Certificate for the works carried out. Include all ancillary works, making good and decoration. (The Scottish Government has a searchable database containing details for all registered electricians in Scotland.)
- (xii) Engage a suitably qualified, and Gas Safe registered, heating engineer to service the gas central heating boiler and investigate the fault causing the boiler to malfunction. Ensure that the boiler and remainder of the heating installation is safe, functional and in proper working order.
- (xiii) Carry out a gas safety check and provide a gas safety certificate.

(xiv) Provide and install smoke detection and alarm equipment in accordance with the British Standard on the design of fire detection installations for dwellings (BS5839 Part 6) in conjunction with the Scottish Government's Technical Handbook 2013 Domestic under Section 2 -Fire, Sub-section 2.11 Communication.

(xv) Provide a carbon monoxide detector in accordance with the Scottish Government Statutory Guidance for the provision of carbon monoxide alarms in private rented housing.

All within two months of the date of service of service of the order

(3) On 6 May 2016 the Surveyor member of this tribunal attempted to re-inspect the property to see if the works required by the Repairing Standard Enforcement Order ("RSEO") had been carried out, He was not able to gain access to the property. On 27 September and 19 December both 2016, both members of this tribunal attempted to re-inspect the property to see if the works required by the RSEO had been carried out. On neither attempt were they able to gain access to the property.

(4) On 27 September and 19 December both 2016, hearings were convened to discuss whether or not the works required by the RSEO have been carried out. Both the tenant and the landlord were timeously notified of the date, time and place of the hearings. Neither the tenant nor the landlord attended either hearing, nor were they represented at either hearing.

(5) Items (xi) & (xiii) of the RSEO require the landlord to produce safety certificates to the Tribunal. He has not done so. It is for the landlord to produce evidence of compliance with the RSEO. No evidence is produced. The tribunal can only therefore conclude that the required works have not been carried out.

(6) No attempt has been made to carry out any of the required works. No reliable indication is given of an intention to carry out any of the required works.

(7) In the circumstances the committee can only come to the conclusion that the Landlord is ignoring the repairing standard enforcement order dated 21 December 2015. Accordingly the tribunal decides to impose a rent relief order. As the landlord has chosen not to carry out the repairs required, and the quality of the tenant's peaceful enjoyment of the property is adversely affected by the Landlord's decision, the tribunal decided that significant restriction of rental is merited. The tribunal therefore granted a Rent Relief Order for 75% of the monthly rental.

(8) A landlord, tenant or third party applicant aggrieved by the decision of the tribunal may seek permission to appeal from the First-tier Tribunal

on a point of law only within 30 days of the date the decision was sent to them.

(8) Where such an appeal is made the effect of the decision and the certificate are 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 certificate are to be treated as having effect from the day on which the Appeal is abandoned or so determined.

Signed: **P Doyle**
Paul Doyle, Chairperson

23/12/16