



Determination by Private Rented Housing Committee

Statement of Decision of the Private Rented Housing Committee issued under

Section 24(1) of the Housing (Scotland) Act 2006

Ref prhp/rp/16/0073

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 ("the Act") by Elizabeth Murray residing at 337, Fulton Street, Glasgow, G13 2TA on behalf of herself and Hugh Conway ("the Tenants") per her agent Kim Anderson, Maryhill Citizens Advice Bureau, 25 Avenuepark Street, Maryhill, Glasgow G20 8TS ("the Tenants' Agent") against John Nash residing sometime at 26, Victoria Road, Paisley PA2 9PT and now at Flat 1/1, No 3 Orchard Street, Paisley, PA1 1UY ("the Landlord")

Re: Property at 337, Fulton Street, Glasgow, G13 2TA ("the Property") registered in the Land Register for Scotland under Title Number GLA67558

Committee Members

Karen Moore (Chairperson)

Mike Links (Surveyor Member)

This determination should be read in conjunction with:-

Decision dated 27 May 2016;

Repairing Standard Enforcement Order dated 27 May 2016 and

Re-inspection Report dated 25 August 2016

Background

1. By application received 22 February 2016 (“the Application”), the Tenants’ Agent on behalf of the Tenants applied to the Private Rented Housing Panel for a determination that the Landlord had failed to comply with the duty imposed on her by Section 14 (1) (b) of the Act in respect that the Property does not meet the Repairing Standard in terms of the Act. A Notice of Referral, Inspection and Hearing was sent to the parties and in terms of Schedule 2, Paragraph 1 of the Act, an Inspection and Hearing were fixed for 11 May 2016 at 10.00 and 14.00 respectively. Following that Inspection and Hearing, the Committee determined that the Property did not meet the Repairing Standard and imposed a Repairing Standard Enforcement Order (RSEO) dated 27 May 2016. The Committee’s determination and the RSEO were intimated to the parties.

2. The Surveyor Member of the Committee inspected the Property on 25 August 2016 and found that none of the works required by the RSEO had been carried out by the Landlord. The Surveyor Member’s Re-inspection Report dated 25 August 2016 was intimated to the parties, following which a further Inspection and Hearing were fixed for 2 November 2016 at 10.00 and 11.30 respectively

Inspection and Hearing.

3. The Inspection took place on 2 November 2016 at 10.00 a.m. at the Property. Ms. Murray was present. The Landlord was not present. The Committee inspected the Property in respect of the matters listed on the RSEO. Following the Inspection, a Hearing was held at 11.30 at Wellington House, Wellington Street, Glasgow, G2 2XL. Neither Ms. Murray nor the Landlord was present.

Summary of the Issues

4. The issues to be determined by the Committee are whether or not the terms of the RSEO have been complied with.

Findings of Fact

5. The terms of the RSEO are:-

“The Landlord must on or before 30 July 2016:-

- *Instruct a Gas Safe engineer to repair or renew the gas central heating boiler so that the system provides heating to all radiators in the property and domestic hot water and provide a gas safety certificate;*
- *Instruct a SELECT or NICEIC electrician to carry out a full inspection of the electrical sockets and switches throughout the Property and to repair or renew the light fitting in the kitchen to ensure that all sockets and switches throughout the Property and*

the light fitting in the kitchen are fully functioning and to provide an EICR;

- *Repair or replace the shower in the bathroom;*
- *Instruct a Corgi registered plumber (i) to inspect the hot and cold water supply in the bathroom and (ii) to carry out such works as are necessary to ensure all taps are fully functioning with water pressure suitable for a domestic supply;*
- *Repair the plasterwork in the bathroom at the wash hand basin and the WC;*
- *Reinstate the floor in the hall cupboard;*
- *Install smoke, heat and carbon monoxide detectors to comply with the current standards being the building regulations and current Statutory Guidance issued by the Scottish Ministers both of which standards are available on the Scottish Government's website ;*
- *Instruct a suitably qualified builder (i) to inspect the Property and the common parts of block of which it forms part to establish the cause of the water ingress at the kitchen ceiling and (ii) thereafter to carry out such repairs as are necessary to ensure that the water ingress is remedied and*
- *Make good any décor damaged as a result of these works."*

6. From the Inspection, the Committee found that none of the matters listed in the RSEO had been addressed by the Landlord. The Committee further noted that neither of the certificates required at parts 1 and 2 of the RSEO had been provided by the Landlord.

Decision of the Committee

7. The Committee's decision was based on its findings at the Inspection on 2 November 2016.

8. The Committee, having made such enquiries as they saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order made by them, determined that the Landlords have failed to comply with the Repairing Standard Enforcement Order in terms of Section 26(1) of the Act and that a notice of this failure should be served on the local authority in whose area the property is situated. The Committee, having found that Landlords had failed to comply with the RSEO, proceeded to consider whether to make a Rent Relief Order in terms of Section 27 of the Act.

9. The Committee took into consideration the condition of the Property at the Inspection

and Re-inspections and the fact that no attempt had been made by the Landlord to address any part of the RSEO. Accordingly, the Committee determined to make a Rent Relief Order.

10. The Committee was most concerned that the Property was not wind and watertight, that there was inadequate heating in the Property, that the electrical supply in the Property was faulty and that there was no provision for detecting fire or carbon monoxide. The Committee was concerned at the impact that these matters are having on the health and safety of the Tenants and on the Tenants' right to have full enjoyment of the Property.

11. Accordingly, the Committee determined that such Rent Relief Order should be made given the Landlord's failure to comply with the Repairing Standard Enforcement Order without reasonable excuse. The Committee then considered the amount by which the rent should be reduced. In assessing the amount of the Rent Relief Order, the Committee took into account the condition of the Property at the Inspection and Re-inspection. Using its own professional knowledge, the Committee also took into account that the monthly rent of £495.00 for the Property is likely to be an average monthly rent for similar properties in the area. Accordingly, the Committee determined that a Rent Relief Order of 75%, being £371.25, is equitable. The Committee considered that the Rent Relief Order should take effect from the date 28 days after the last date on which the Rent Relief Order decision may be appealed under Section 64 of the Act.

12. The Committee then proceeded to make a Rent Relief Order in terms of Section 27 of the Act.

13. The decision is unanimous.

Right of Appeal

14. 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. Where such an appeal is made, the effect of the decision and of any repairing standards enforcement 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 any repairing standards enforcement order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed

K Moore

Karen Moore, Chairperson

Date 14 November 2016



Rent Relief Order
Ordered by the Private Rented Housing Committee
Ref prhp/rp/16/0073

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 ("the Act") by Elizabeth Murray residing at 337, Fulton Street, Glasgow, G13 2TA on behalf of herself and Hugh Conway ("the Tenants") per her agent Kim Anderson, Maryhill Citizens Advice Bureau, 25 Avenuepark Street, Maryhill, Glasgow G20 8TS ("the Tenants' Agent") against John Nash residing sometime at 26, Victoria Road, Paisley PA2 9PT and now at Flat 1/1, No 3 Orchard Street, Paisley, PA1 1UY ("the Landlord")

Re: Property at 337, Fulton Street, Glasgow, G13 2TA ("the Property") registered in the Land Register for Scotland under Title Number GLA67558

Committee Members
Karen Moore (Chairperson)
Mike Links (Surveyor Member)

NOTICE TO:

John Nash residing sometime at 26, Victoria Road, Paisley PA2 9PT and now at Flat 1/1, No 3 Orchard Street, Paisley, PA1 1UY ("the Landlord")

In terms of their decision dated 14 November 2016, 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 Act reducing the rent payable under the tenancy for the Property by an amount of 75% of the monthly rent (being a reduction of £371.25 per calendar month of the current monthly rent of £495.00, thus reducing the current monthly rent to £123.75) 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.

Signed

K Moore

Karen Moore, Chairperson

Date 14 November 2016