



Rent Relief Order

Ordered by the Private Rented Housing Committee

prhp Ref: prhp/RP/13/0013

Re : 126 Vexhim Park, Edinburgh EH15 3SE (hereinafter referred to as "the house")

The Parties:

Amanda Ross, 126 Vexhim Park, Edinburgh EH15 3SE ("the Tenant")

and

**Mohammed Razaq, sometime 126 Vexhim Park, Edinburgh, thereafter 248 Lasswade Road
Edinburgh and now care of Sheynes Property Group, 191 Crewe Road North, Edinburgh EH5
2NT("the Landlord")**

NOTICE TO ("the Landlord")

Whereas in terms of their decision dated 16 August 2013, the Private Rented Housing Committee ("the Committee") 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 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 house by an amount of 90% 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 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.

In witness whereof these presents typewritten on this page are executed by George Barrie Clark, solicitor, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 24 October 2013 before this witness:-

V Clark

witness

G Clark

chairman

Valerie Elizabeth Jane Clark

7 Newbattle Terrace

Edinburgh



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

prhp Ref: prhp/RP/13/0013

Re : Property at 126 Vexhim Park, Edinburgh EH15 3SE ("the Property")

The Parties:-

M/s Amanda Ross, 126 Vexhim Park, Edinburgh EH15 3SE ("the Tenant")

and

Mohammed Razaq, sometime 126 Vexhim Park, Edinburgh, thereafter 248 Lasswade Road, Edinburgh and now c/o Sheynes Property Group, 191 Crewe Road North, Edinburgh EH5 2NT("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order in respect of the Property issued on 16 August 2013, determined that the Landlord had failed to comply with the said Order.

Background

1. By application dated 20 March 2013 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:-
 - (a) the house is wind and water tight and otherwise fit for human habitation,
 - (c) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
 - (d) any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order,
3. By letter dated 18 June 2013 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
4. The Private Rented Housing Committee inspected the Property on the morning of 16 August 2013. The Tenant was present during the inspection and was accompanied by Liz Murphy, a support worker from Circle in West Pilton. The Landlord was not present or represented at the inspection.

5. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Thistle House, 91 Haymarket Terrace, Edinburgh. Neither party was present or represented at the hearing
6. The Committee comprised George Clark (Chairman), Ian Mowatt (surveyor) and Elaine Munroe (housing member).
7. Following the hearing, the Committee issued a Repairing Standard Enforcement Order, requiring the Landlord:-
 - (a) to instruct a Gas Safe registered contractor to examine and carry out such works as are necessary to put into proper working order all the central heating radiators in the property;
 - (b) to instruct a suitably qualified contractor to carry out such repairs to the hob as are necessary to restore it to proper working order;
 - (c) to instruct a joiner to enclose all the surface-mounted central heating piping in the Property;
 - (d) to instruct a suitably qualified contractor to repair or replace all damaged power points in the Property and to securely fix the power point in the main bedroom and thereafter to exhibit to the Committee a current Periodic Inspection Report;
 - (e) to instruct a suitably qualified contractor to carry out such repairs as are necessary to restore the oven to proper working order in accordance with current regulations;
 - (f) to carry out such repairs as are necessary to make the front and rear external doors wind and water tight; and
 - (g) to reglaze or replace the windows throughout the property and the glazed panels in the external doors.
8. On 22 October 2013, the surveyor member of the Committee re-inspected the Property. The Tenant's daughter was present at the re-inspection. The Landlord was not present or represented at the re-inspection.
9. The surveyor member reported back to the Committee that none of the works specified in the Repairing Standard Enforcement Order had been carried out.

Summary of the issues

10. The issue to be determined was whether the Landlord had complied with the Repairing Standard Enforcement Order in respect of the Property dated 16 August 2013.

Findings of fact

11. The Committee finds the following fact to be established:-
 - The Landlord has failed to carry out any of the works required by the Repairing Standard Enforcement Order within the period within which the Order requires the work to be completed and has not made any submission to the Committee under Section 26(3)(b) of the Act that he is unable to comply with the Order because of a lack of necessary rights (of access or otherwise) despite having taken reasonable steps for the purpose of acquiring those rights or that the work required by the Order is likely to endanger any person.

Decision

- a) The Committee accordingly determined that the Landlord had failed to comply with the Repairing Standard Enforcement Order dated 16 August 2013.
- b) The Committee proceeded to make a Rent Relief Order in respect of the Property in terms of Section 27 of the Act.
- c) The Committee was of the view that the Landlord had made no effort to carry out any of the works required by the Repairing Standard Order and that it was, therefore appropriate that the level of rent relief should be set at 90%, the maximum percentage permitted by Section 27 of the Act.
- d) The Committee also determined that, as required by Section 26(2) of the Act, notice of the Landlord's failure to comply should be served on the local authority.
- e) The decision of the Committee was unanimous.

Right of Appeal

12. 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.

Effect of section 63

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

Signed **G Clark** Date: 24 October 2013

Chairperson