



Rent Relief Order

Ordered by the Private Rented Housing Committee

PRHP Reference number: PRHP/RP/14/0296

Land Registration number: GLA 55963

In connection with

Property at Flat 3/1, 105 Main Street, Bridgeton, Glasgow, G40 1QD ("the property")

ANGELO BARBI, Flat 3/1, 105 Main Street, Bridgeton, Glasgow, G40 1QD ("the tenant")

JOHN COLQHOUN, 173 Greenhead Street, Bridgeton, Glasgow, G40 1HX ("the landlord")

NOTICE TO JOHN COLQHOUN

1. Whereas in terms of their decision dated 14th July 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 made by the committee in relation to the property.
2. 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 house by an amount of 50% 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 Act.

Background

3. By Repairing Standard Enforcement Order (RSEO) of 1st July 2015 the committee ordered the following works to be completed:
 - *Undertake such works as are necessary to ensure that the windows of the living room are wind and water tight and fully operational;*
 - *Instruct a suitably qualified electrician to replace the ceiling light fitting and complete such works as are deemed necessary so as to ensure that the ceiling light fitting is safe and fully operational;*

- *Produce a report from the electrician of the works undertaken and certification that they are complete.*
 - *To repair and fill the hole in the wall of the kitchen;*
 - *To replace the seal around the bath;*
 - *To make safe the shower services within the bathroom.*
 - *To instruct a suitably qualified electrician to make safe and in a reasonable state of repair and in good working order all electrical services within the bathroom.*
 - *To produce a report from the electrician of the works undertaken in the bathroom and certification that they are complete.*
4. The works were to be completed within 4 weeks of the date on which the RSEO was issued to the parties.
 5. The committee's surveyor member carried out a re-inspection of the property on 3rd September 2015. The findings of the surveyor are contained within his report dated, 11th September 2015. The report concludes that,

"At the time of my re-inspection there was no evidence or indication that any of the works required in terms of the Order had been undertaken."
 6. That report was shared with the parties by the Private Rented Housing Panel ("PRHP") on 18th September 2015.
 7. No response was received by the PRHP from the landlord.
 8. The tenant submitted a form dated 24th September 2015. He confirmed that he agreed with the findings of the surveyor in his report.
 9. The tenant requested that the committee issue a rent relief order at 60%.
 10. In the form, dated 24th September 2015, the tenant stated that, *"The landlord has not addressed any of the issues in the RSEO"*. He explained that he considered 60% to be appropriate because, *"no lighting working in two rooms, no proper flooring in bathroom, incomplete shower facilities, front window not weatherproof. Landlord has made no attempt to address any of the issues. Mattress and chest of drawers needs replaced as per RSEO."*

Reasons for decision

11. Section 26 of the Act sets out the effect of a failure of a landlord to comply with a RSEO as follows:

26 Effect of failure to comply with repairing standard enforcement order

(1) It is for the private rented housing committee to decide whether a landlord has complied with a repairing standard enforcement order made by the committee.

(2) Where the committee decide that a landlord has failed to comply with the repairing standard enforcement order, the committee must—

(a) serve notice of the failure on the local authority, and

(b) decide whether to make a rent relief order.

(3) The committee may not decide that a landlord has failed to comply with a repairing standard enforcement order—

(a) unless the period within which the order requires the work to be completed has ended, or

(b) if the committee are satisfied, on the submission of the landlord or otherwise—

(i) that the landlord 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 purposes of acquiring those rights, or

(ii) that the work required by the order is likely to endanger any person.

(4) Where the committee are prevented by reason only of subsection (3)(b) from deciding that a landlord has failed to comply with a repairing standard enforcement order, the committee must serve notice on the local authority stating that they consider the landlord to be unable to comply with the repairing standard enforcement order.

12. On the basis of the findings of the surveyor's re-inspection report of 11th September 2015 and the content of the form, dated 24th September 2015 submitted by the tenant, the committee is satisfied that the landlord has failed to comply with the repairing standard enforcement order.

13. Therefore, in terms of section 26 (2) the committee *must—*

(a) serve notice of the failure on the local authority, and

(b) decide whether to make a rent relief order.

14. The committee received no response to the RSEO from the landlord. There is no evidence before the committee to suggest that there is anything preventing the landlord from carrying out the works.

15. Section 27 of the Act provides that:

27 Rent relief orders

(1) A rent relief order is an order by a private rented housing committee which reduces any rent payable under the tenancy in question by such amount (not exceeding 90% of the rent which would, but for the order, be payable) as may be specified in the order.

(2) A private rented housing committee may make a rent relief order only where they have decided that a landlord has failed to comply with a repairing standard enforcement order which has effect in relation to the house concerned.

(3) A rent relief order does not affect the terms or validity of the tenancy to which it relates (otherwise than by reducing the rent payable under the tenancy).

16. The committee being satisfied that the landlord has failed to comply with a repairing standard enforcement order makes a rent relief order in terms of section 27 (2) at 50%.

Right of Appeal

A landlord or tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff 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, 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 determined.

IN WITNESS WHEREOF these presents typewritten on this are signed by Simone Sweeney, Chairperson of the Private Rented Housing Committee, at Glasgow, on 20th of October, Two Thousand and Fifteen in the presence of the undernoted witness:

S SWEENEY

..... Chairperson
K LIMOND
..... Witness

Designation: Kirsty Limond, Support Officer, Wheatley Housing Group, Wheatley House, 25 Cochrane Street, Glasgow, G1 1HL