



Rent Relief Order

Ordered by the Private Rented Housing Committee

prhp Ref prhp/g51/140/11

Re : Flat 1/1, 1 Clutha Street, Glasgow G51 1BL (hereinafter referred to as "the house")

The Parties:

Shawlands Ltd, Incorporated under the Companies Acts (Company Number 4034630 having its Registered Office at 1353 Pollokshaws Road, Glasgow per Dr & Mrs Sohail Chaudry, residing at 1353 Pollokshaws Road, aforesaid. Landlord

and

Miss Frances McLeod, Flat 1/1, 1 Clutha Street, Glasgow G51 1BL Tenant

NOTICE to the Landlord

Whereas in terms of their decision dated 20 April 2012, 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 house made by the Committee on 16 January 2012.

The Committee has 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 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 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 consisting of this page are executed as follows:

<u>D Preston</u>	Chairman	<u>S Preston</u>	Witness
<u>20/4/12</u>	Date of Signing	<u>SHEILA PRESTON</u>	Name
<u>OBAN</u>	Place of Signing	<u>WESTBANK</u>	Address
		<u>DUNDEE ROAD</u>	
		<u>OBAN</u>	
		<u>ARGYLE</u>	



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 26(1) OF THE PRIVATE RENTED HOUSING (APPLICATIONS
AND DETERMINATIONS) (SCOTLAND) REGULATIONS 2007**

**In connection with
property at Flat 1/1, 1 Clutha Street, Glasgow G51 1BL
(hereinafter referred to as "the property")**

Miss Frances McLeod, Flat 1/1, 1 Clutha Street, aforesaid (hereinafter referred to as "the Tenant")

Shawlands Ltd, Incorporated under the Companies Acts (Company Number 4034630 having its Registered Office at 1353 Pollokshaws Road, Glasgow per Dr & Mrs Sohail Chaudry, residing at 1353 Pollokshaws Road, aforesaid. (hereinafter referred to as "the Landlord")

PRHP Reference: prhp/G51/140/11

DECISION

The Committee, having made such enquiries as is fit for the purposes of determining whether: (1) the Landlord has complied with the terms of the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 16 January 2012 in terms of section 26 (1) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act") and (2) to make a Rent Relief Order in terms of section 26 (2) of the Act; and taking account of the written representations by the Landlord and the Tenant, determined that the Landlord had failed to carry out the repairs specified in the RSEO and that a Rent Relief Order should be made reducing the rent payable under the tenancy by the sum of 50 %.

BACKGROUND

Reference is made to the Determination of the Committee dated 16 January 2012 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") and the RSEO made by the Committee which required the Landlord to carry out works as specified therein. The said works were to be carried out and completed within 6 weeks from the date of service of the Notice of the RSEO, which was effected on 18 January 2012

1. A re-inspection of the property by the Surveyor Member of the Committee took place on 6 March 2012 and a report of the same date was copied to both parties. The report confirms that:

- 1.1. No Gas Safety Certificate had been obtained. Dr Chaudry advised that a plumber had reduced the pipe and capped it off at floor level. It no longer protrudes above the floor. No information was forthcoming regarding the status of the plumber and whether he was Gas Safe certified. On 8 March 2012 the Landlord produced a Gas Safety Certificate which did not specifically refer to consideration of the exposed gas pipe in the front bedroom (left) as required in terms of the RSEO.
- 1.2. A new wall light has been fitted at the location where the exposed wiring was observed in the hall. The light is operating.
- 1.3. New seals have been installed around the bath.
- 1.4. The combustible material has been removed.
- 1.5. No report had been commissioned from the fire services regarding the suitability and safety of the ceiling tiles. Dr Chaudry provided the surveyor member with a statement which he had solicited via the internet.
- 1.6. No report had been provided on the operation and adequacy of the central heating system. Dr Chaudry advised that he had calculated the volume of each room and, from the internet, had been able to establish the correct size of radiator. All radiators have been changed and an additional radiator installed in the kitchen. A number of single paneled radiators were lying loose on the floor of the landing. The tenant confirmed that she was satisfied with the output of heat from the new radiators. The boiler was making some noises, which may be an air lock, but otherwise it provided hot water and heating to the tenant's satisfaction.
- 1.7. No report had been provided by the landlord in regard to the electric fire. The electric fire was sitting in the living room, as previously seen at the original inspection, but at the conclusion of the inspection, the landlord and his agent removed the fire from the property. Dr Chaudry offered to install the unused central heating radiator presently stored in the kitchen into the living room.
2. Representations were received from the Landlord by letter dated 2 April 2012 and from the Tenant by letter received by PRHP on 4 April 2012. Further representations from the Tenant were received by email on 16 April 2012. The Committee considered all of the representations along with the re-inspection report.
3. The Landlord stated in his letter that the Certificate covers the whole gas installation in the property. However the Committee specified that the particular issue of the exposed pipe be addressed by a certified engineer and this has not been done. The Committee considers that in view of the importance and potential dangers in relation to gas installations which appear to have been interfered with by unqualified persons, it is essential that the integrity of this fitting be verified. Accordingly the Committee finds that the Landlord has failed to comply with the RSEO in this regard.
4. The Tenant complained in her representations that although a new wall light fitting has been installed, it "...is just staying on the wall and no more..." She also suggested that there may be a related problem with a socket in a bedroom. The RSEO requires that the fitting be made safe and the Committee requires

certification to this effect. No receipts have been produced by the landlord to verify that the wall light was fitted by an electrician. The Tenant's representations suggest to the Committee that the work was not carried out by a qualified electrician and it accordingly requires that a Periodic Inspection Report be produced in respect of the electrical installations. The Tenant alleges that the Landlord told her to call an electrician herself at her own cost. The Committee refers the Landlord to the Act and their obligations thereunder.

5. The Committee is satisfied that the RSEO has been complied with in respect of the replacement of seals around the bath and the removal of combustible material.
6. In relation to the ceiling tiles, the Landlord has expressed an opinion that the tiles are made of non-combustible material and produced a statement from the internet. The Committee is not qualified to confirm the true position with regard to the tiles and their material. It is for this reason that a report was called for in the RSEO. No report has been produced. The Committee finds that the Landlord has failed to comply with the RSEO in this regard.
7. The Landlord advises that the central heating radiators have been replaced and that the Tenant had expressed satisfaction with the system. The Surveyor Member's report confirms the Tenant's satisfaction. However following on the Surveyor Member's visit, the Tenant has reported that one of the newly fitted radiators became detached from the wall and caused damage to the Tenant's property and flooding in the property and in the downstairs flat. In addition, the RSEO required a report to be obtained on the operation and adequacy of the central heating system. No such report has been obtained and the Committee is not qualified to be satisfied that the radiators are of sufficient size and capacity for the area of the rooms. Accordingly the Committee finds that the Landlord has failed to comply with the RSEO in this regard.
8. The electric fire provided to replace the gas fire in the lounge has been removed from the property. However as it had been provided by the Landlord, a replacement fire should be provided.
9. Accordingly the Committee decided that the Landlord has failed to comply with the RSEO made by it on 29 August 2011 in terms of s26(1) of the Act.
10. Having so decided the Committee agreed that a Rent Relief Order be made in terms of section 26(2) of the Act and considered that a reduction in the rent payable of 50% per month would be appropriate. The Committee noted that it was entitled to reduce the rent payable by the tenant by up to 90%. In reaching its decision the Committee was mindful of the fact that a reduction in the rent at the level of 90% would be appropriate where a landlord has failed entirely to comply with the terms of an RSEO. The Landlord in the present case has attended to a proportion of the works specified, but has failed to obtain reports which were called for by the Committee, the purpose of which was to satisfy it that the property was safe to live in, and to carry out the works specified in a safe and workmanlike fashion.

The Rent Relief Order shall 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 and will apply until such time as the outstanding terms of the RSEO have been carried out to the satisfaction of the Committee.

RIGHT OF APPEAL

11. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

12. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed **D Preston**
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Chairperson

Date *20/4/12*
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