



Rent Relief Order

Ordered by the Private Rented Housing Committee

Reference Number: PRHP/RP/15/0088

Re: Property at Flat 2/1, 63 Arcadia Street, Glasgow, G40 1DX, all as more particularly described in and registered in Land Certificate GLA170966 (hereinafter referred to as "the property").

The Parties:-

Miss Anna Koscianiuk ("the Tenant")

Mr Khalil UR Rehman Malik, 1 Kirkdene Grove, Newton Mearns, Glasgow G77 5RW and Malik Properties Limited, 59 James Street, Glasgow G40 1BZ ("the Landlords")

NOTICE TO Mr Khalil UR Rehman Malik, 1 Kirkdene Grove, Newton Mearns, Glasgow G77 5RW and Malik Properties Limited, 59 James Street, Glasgow G40 1BZ

In terms of their decision dated 16 June 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 Landlords have 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 said Act reducing the rent payable under the tenancy for the property by an amount of 25% of the monthly rent (being £131.25 per calendar month of the current monthly rent of £525) 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.

 P PRYCE 

Signed

Date 7th October 2015

 Patricia Anne Pryce, Chairperson 

Private Rented Housing Committee





Determination by Private Rented Housing Committee

**Statement of decision of the Private Rented Housing Committee under Section 26 (1)
of the Housing (Scotland) Act 2006**

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Re: Property at Flat 2/1, 63 Arcadia Street, Glasgow, G40 1DX, all as more particularly described in and registered in Land Certificate GLA170966 (hereinafter referred to as “the property”).

The Parties:-

Miss Anna Koscianiuk (“the Tenant”)

Mr Khalil UR Rehman Malik, 1 Kirkdene Grove, Newton Mearns, Glasgow G77 5RW and Malik Properties Limited, 59 James Street, Glasgow G40 1BZ (“the Landlords”)

The Committee comprised:-

Patricia Anne Pryce	-	Chairperson
Carol Jones	-	Surveyor Member
Christopher Harvey	-	Housing Member

Background

1. On 16 June 2015 date, the Private Rented Housing Committee (“the Committee”) issued a determination which stated that the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (“the Act”). On the same date, the Committee issued a Repairing Standard Enforcement Order (“RSEO”) in respect of the property.
2. The RSEO made by the Committee required the Landlords to:-
 - “(a) To repair or replace all windows within the property to ensure that they open and close properly and are in proper working order to allow for proper ventilation of the property.
 - (b) To repair the oven to ensure that it is in proper working order or, if necessary, to replace the oven.

(c) To produce to the Committee an updated report from City Pest Solutions demonstrating that all follow up work has been carried out and that the pest infestation has been eradicated.

(d) To repair the damaged section of flooring and vinyl covering in the kitchen so that it can be used safely for the purpose for which it was designed, or if necessary, to replace same.”

3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within 28 days of the date of service of the Notice, that is, by 15 July 2015.
4. On 10 August 2015, the surveyor member of the Committee which issued the RSEO attended at the property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. She found that not all of the works specified in the RSEO had been carried out and that the said specified works had not been completed in that: there remains evidence of a pest infestation at the property and the floor in the kitchen remains uneven and loose.
5. A copy of the re-inspection report of the surveyor member was sent to the Landlords. No response was received from the Landlords in relation to this. PRHP Administration, at the request of the Committee, sent a letter to the Landlords on 9th September 2015 requesting an up to date pest control report and proof that the outstanding works to the kitchen floor had been carried out. No response was received from the Landlords in relation to this letter.

Decision

6. The Committee notes that some of the works have been carried out in terms of the RSEO. However, the Committee notes that no up to date pest control report has been received from the Landlords and that there appears to remain evidence of a pest infestation at the property. Furthermore, the Committee notes that the works required to the kitchen floor remain outstanding and that the kitchen floor remains a potential hazard to the occupants of the property. These issues remain outstanding in terms of the RSEO.
7. The Committee takes the view that the Landlords have had ample time to carry out the remaining works and that the Landlords are simply ignoring these parts of the RSEO which remain unsatisfied.
8. Accordingly, the Committee takes the view that the Landlords' failure to implement all of the works amounted to a breach of the RSEO. In accordance with the relevant provisions of Section 26 of the 2006 Act, the Committee required to determine whether an RRO should be made.

9. The Committee took the view that the works required by the RSEO had been outstanding for well over four months. The Committee took the view that these works could have easily been completed in that period of time. The Committee took the view that the failure to carry out the works was having an impact on the Tenant's ability to fully enjoy the property. The Committee took the view that the state of repair of the kitchen floor presented a potential danger to the Tenant and her young family and the apparent ongoing infestation of cockroaches was a serious health and safety concern.
10. In all the circumstances, the Committee determined that they would make a Rent Relief Order. The Committee took the view that the appropriate proportion of rent which should be subject to the RRO was 25% of the monthly rent of £525, namely £131.25 per month. The Committee accordingly determined to make an RRO in those terms.
11. The decision of the Committee is unanimous.

Rights of Appeal

12. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
13. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

Effects of Section 63

14. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.
15. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be

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

P PRYCE

A handwritten signature in black ink, appearing to be 'P. Pryce', is written over the word 'Signed'.
Signed

Patricia Anne Pryce, Chairperson

A handwritten flourish or underline mark is positioned above the date.
Date 7th October 2015