



Statement of Decision of the Private Rented Housing Committee under Section 26 (2) of the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/15/0089

Re : Property at 2 Rennies Lane, Aberchirder AB54 7SG ("the Property")

The Parties:-

Mrs Amanda Ross, residing at 2 Rennies Lane, Aberchirder AB54 7SG ("the Tenant")

and

Co-operative Group (CWS) Limited, registered under the Industrial and Provident Societies Act 1965, having its registered office at New Century House, Manchester and having a place of business at 1 Angel Square, Manchester M60 0AG (represented by its agent, Touchstone Residential, 55 Triangle Building, Wolverton Park Road, Wolverton MK12 5FJ) ("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 made on 5 June 2015, determined that the Landlord has failed to comply.

Background

1. By application dated 6 March 2015, received on 10 March 2015, 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 in all other respects reasonably fit for human habitation,
 - (b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
 - (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, and
 - (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. The Private Rented Housing Committee inspected the Property on the morning of 5 June 2015. The Committee comprised George Clark (Chair), David Godfrey (surveyor member) and Michael Scott (housing member).

4. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Linden Community Centre, Castle Street, Huntly and heard from the Tenant. The Landlord was not present or represented at the hearing.
5. Following the inspection and hearing, the Committee proceeded to make a Repairing Standard Enforcement Order ("the Order") in respect of the Property. The Order required the landlord:-
 - a. to improve the ventilation, in order to avoid a build-up of condensation in the Property,
 - b. to remove evidence of mould growth where present in the Property and
 - c. to repair the cracked and flaking plaster in the upper floor landing of the Property and, in the affected areas, strip and replace the wallpaper and repaint.

The Private Rented Housing Committee ordered that the works specified in the Order must be carried out and completed within the period of six weeks from the date of service on the Parties of the Notice of the Order.

6. The surveyor member of the Committee reinspected the Property on 7 September 2015. He reported to the Committee that two passive ventilators had been installed in the landing and further vents installed in each of the attic floor bedroom wardrobes. A mechanical vent had been installed in the utility room. The plaster work in the utility room window had been repaired and redecorated and various internal window sills had been redecorated, in an effort to remove evidence of mould growth. The cracked and flaking plaster in the upper floor landing of the Property had not, however, been repaired and, in the affected areas, the wallpaper had not been stripped and repainted.
7. A copy of the reinspection report, including photographs taken at the reinspection, is annexed to and forms part of this Statement of Decision.

Summary of the Issues:

8. The issue to be determined were whether the Landlord had complied with the Repairing Standard Enforcement Order in respect of the Property made on 5 June 2015.

Reasons for the decision:

9. The Committee accepted that some of the works required by the Order had been carried out, namely the improvement of the ventilation and the removal of mould growth, but determined that some significant works remained outstanding, in that the cracked and flaking plaster in the upper floor landing had not been repaired and the wallpaper in the affected areas had not been replaced and repainted.

Decision

10. The Committee accordingly determined that the Landlord had failed to comply with the terms of the Repairing Standard Enforcement Order in respect of the Property made on 5 June 2015.
11. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 26(2) of the Act and determined that notice of the failure to comply should be served on the local authority..
12. The decision of the Committee was unanimous.


Right of Appeal

13. 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

14. 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.

G CLARK

Signed  Date 28 October 2015

Chairperson



Rent Relief Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/15/0089

Re : Property at 2 Rennies Lane, Aberchirder AB54 7SG ("the Property")

Land Certificate No: BNF3482

The Parties:-

Mrs Amanda Ross, residing at 2 Rennies Lane, Aberchirder AB54 7SG ("the Tenant")

and

Co-operative Group (CWS) Limited, registered under the Industrial and Provident Societies Act 1965, having its registered office at New Century House, Manchester and having a place of business at 1 Angel Square, Manchester M60 0AG (represented by its agent, Touchstone Residential, 55 Triangle Building, Wolverton Park Road, Wolverton MK12 5FJ) ("the Landlord")

NOTICE TO CO-OPERATIVE GROUP (CWS) LIMITED ("the Landlord")

Whereas in terms of their decision dated 28 October 2015, 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 on 5 June 2015.

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 20% 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, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 28 October 2015 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

V CLARK

G CLARK

_____ witness

_____ chairman