



Rent Relief Order

Ordered by the Private Rented Housing Committee

Case Reference Number: PRHP/PA2/20/11

Re:- Property at Flat 0/1, 3 Mary Street, Paisley, PA2 6JF ("**the property**")

Land Register Title Number:- **REN36113**

The Parties:-

Mark Fairman residing at Flat 0/1, 3 Mary Street, Paisley, PA2 6JF ("**the tenant**")

And

David Henry Jenkins residing at 43b Cautley Avenue, Clapham, London per Castle Residential, 63 Causeyside Street, Paisley, PA1 1YT ("**the landlord**")

NOTICE TO: David Henry Jenkins residing at 43b Cautley Avenue, Clapham, London per Castle Residential, 63 Causeyside Street, Paisley, PA1 1YT

In terms of their decision dated 31 August 2011, 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.

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 £199.50 per calendar month 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.

J Bauld

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James Bauld, Chairperson
Private Rented Housing Committee

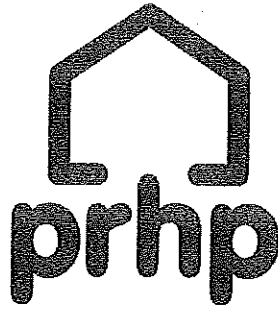
Date 31 August 2011

L McManus

..... (Sign)
Witness

Date 31 AUGUST 2011

Name: LAURA MCMANUS
Address: 7 West George Street, Glasgow, G2 1BA
Designation: SECRETARY



Determination by Private Rented Housing Committee

Statement of Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 26(1) of the Housing (Scotland) Act 2006

Case Reference Number: PRHP/PA2/20/11

Re:- Property at Flat 0/1, 3 Mary Street, Paisley, PA2 6JF ("**the property**")

Land Register Title Number:- **REN36113**

The Parties:-

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And

David Henry Jenkins residing at 43b Cautley Avenue, Clapham, London per Castle Residential, 63 Causeyside Street, Paisley, PA1 1YT ("**the landlord**")

The Committee comprised:-

Mr James Bauld	- Chairperson
Mr Michael Links	- Surveyor member
Mr James Riach	- Housing member

Background:-

1. On 12 May 2011, the Committee issued a determination which decided that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On that 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 carry out such works as were necessary to:-
 - (a) ensure that the house was wind and water tight and in particular

- (b) to carry out repairs to the walls in both bedrooms to identify the causes of dampness and to eradicate the dampness within the property.
3. The Committee ordered that the work specified in the RSEO were to be carried out and completed within 6 weeks of the date of the Order. The RSEO was effectively served on the Landlords.
 4. On 30 June 2011, a further inspection of the property was conducted for the purpose of ascertaining whether the repairs required by the RSEO had been completed. This inspection was carried out by Mr Michael Links, the surveyor member of the Committee.
 5. During the reinspection of the property, the tenant was present but the Landlord was neither present nor represented. During the reinspection of the property it was noted that none of the repairs required in terms of the RSEO had been effected.
 6. A reinspection report was prepared and dated 30 June 2011. A copy of that report was sent to both the tenants and the Landlord. The tenant and the Landlords were invited to comment upon the reinspection report.
 7. The tenant responded by correspondence dated 19 August 2011. The tenant indicated that he agreed with the terms of the reinspection report and that none of the works had been carried out.
 8. No response was received from the Landlord to the reinspection report.
 9. Copies of the response from the tenant were examined by all members of the Committee.
 10. The Committee considered whether a Rent Relief Order should be made in terms of Section 27 of the Act. The Committee determined that in all the circumstances of this case such an Order should be made given the Landlords' failure to comply fully with the terms of the RSEO and given the Landlords' failure to provide any reasonable excuse for this.
 11. The Committee then considered the amount by which any rent payable under the tenancy in question should be reduced. In doing so the Committee considered the impact of the outstanding repairs upon the tenant's enjoyment of the property. In all the circumstances the Committee determined that an appropriate reduction in rent would be 50% of the contractual monthly rent namely a reduction in rent of £199.50 per month. The Committee considered that the rent relief Order should be effective from 28 days after the last date on which the decision to make the rent relief Order may be appealed under Section 64 of the 2006 Act.

Decision

12. The Committee having made such enquiries as it saw fit for the purpose of determining whether the Landlords had complied with the RSEO in relation to the property concerned and taking full account of all the evidence obtained at the reinspection and by the representation made by the parties, determined that the Landlords had failed to comply with the RSEO in terms of Section 26 (1) of The Housing (Scotland) Act 2006 and that Notice of Failure be served upon the Local Authority in which the property is situated.
13. The Committee proceeded to make a rent relief Order in terms of Section 27 of the Act which 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.
14. The decision of the Committee was unanimous

Rights of Appeal

- 15. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 28 days of being notified of that decision.
- 16. 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

- 17. 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.
- 18. 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.

Signed ... **J Bauld**

Date ... *31 August 2011*

James Bauld, Chairperson

Signature of Witness... **L McManus**

Date ... *31 AUGUST 2011*

Name: *LAURA MCMANUS*

Address: 7 West George Street, Glasgow, G2 1BA

Designation: *SECRETARY*