



RENT RELIEF ORDER

ORDERED BY THE PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: prhp/PA8/200/11

PROPERTY:

4, Park Top, Erskine PA8 7HP, registered in the Land Register for Scotland under title number REN62133

PARTIES:

Ms Colleen Duncan, residing at the property ("the Tenant")

and

Martin Hesketh, t/a Iona Developments Limited, 21 Briar gardens, Glasgow G43 2TF ("the Landlord")

18 April 2013:

NOTICE to the Landlord

Whereas in terms of their decision dated 18 April 2013, 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.

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 15% 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 are executed as follows:

D Preston,

Chairman

I MacLean

Witness

23-6-13 Date of Signing

I MACLEAN Name

EDZRA BUILDING Address

450 ARGYLE ST

Glasgow Place of Signing

GLASGOW

G-2 8LL



**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**

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under title number REN62133**

PARTIES:

Ms Colleen Duncan, residing at the property ("the Tenant")

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**Martin Hesketh, t/a Iona Developments Limited, 21 Briar gardens, Glasgow G43
2TF ("the Landlord")**

18 April 2013:

DECISION

The Committee, having made such enquiries as is fit for the purpose of determining whether the Landlord has complied with the terms of the Repairing Standard Enforcement Order dated 20 May 2012 as varied by Notice of Variation dated 18 March 2013 (hereinafter collectively referred to as "the RSEO") in terms of section 26(1) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act") and taking account of the written and oral representations by the Landlord and the Tenant, determined that the Landlord had failed to carry out the repairs specified in the RSEO.

BACKGROUND

1. Reference is made to: the Determination of the Committee dated 20 May 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 to the RSEO made by the Committee which required the Landlord to carry out works as specified therein and the Notice of Variation dated 18 March 2013 which varied the works required to be carried out by the Landlord and extended the period allowed for the completion of the works. The said works were to be carried out and completed within 4 weeks from the date of service of the Notice of Variation, which was effected on 26 March 2013.

2. Following the issue of the Notice of Variation the Landlord submitted: on 8 April 2013, an Electrical Installation Condition Report dated 26 March 2013 and on 12 April 2013, an invoice from a gas engineer relative to a repair carried out to the central heating boiler dated 12 March 2013.

Inspection and Hearing 18 April 2013

3. The Committee carried out a further inspection of the property on 18 April 2013. The Tenant was present throughout the inspection. The Landlord was neither present nor represented. Thereafter a Hearing had been arranged at the offices of PRHP at 11.00am on the same date. The Tenant advised at the inspection that she would not attend the hearing but that she would be available by telephone if required. The Landlord did not attend the hearing. The Committee was satisfied that the Landlord had been given due notice of the Inspection and Hearing and had chosen voluntarily not to attend. He had not requested any adjournment, nor further time and, apart from the report and copy invoice referred to as having been lodged since the last inspection, had chosen not to make representations and the Committee proceeded to consider the application in his absence.

Works as required in the Order as varied undertaken since the inspection on 8 March 2013:

4. The Committee was satisfied with the Electrical Inspection Condition Report dated 26 March 2013.
5. The Committee noted the invoice from A.G.Gas Tek Ltd and was satisfied that a gas engineer had attended the property and carried out work to the central heating boiler as specified therein.
6. **Central Heating System**
The Tenant reported that when the gas engineer had attended the property he had been granted access by her daughter as she had been out. Whilst there, she had spoken to him by telephone and explained the problems she had experienced and he appeared to understand. However when the Tenant returned later that day, she found that the system still suffered from the same problem in that it cut out intermittently, both when the heating is on and when running a bath. She advised that she had sent a text to the Landlord to advise him as soon as she discovered it but he had not been in contact since then. She further reported that the problem had persisted to the time of the inspection
7. **Front Bedroom Window**
The Committee inspected the window in the front bedroom and found it to be in the same condition as it had been at the inspection on 8 March 2013. The Landlord conceded that although reports had been obtained from a roofing contractor, the window had not been examined. The Committee noted that the Landlord had attempted to telephone a contractor during the course of the previous inspection on 8 March, but he had not spoken to the contractor and had left a message. However the Tenant reported that she had heard nothing further from either the Landlord or a contractor since that time.

The Committee further noted that the Tenant had provided the Landlord with her mobile telephone number during the inspection on 8 March 2013 as he had advised that without it he had previously been unable to make contact with the Tenant.

Decision and Findings:

8. The Committee carefully considered: the representations of the Tenant made at the inspection and all subsequent reports produced by the Landlord.
9. The Committee noted that the Landlord had not made any application for a Variation of the RSEO by seeking an extension to the time.
10. The Committee was satisfied with the Electrical Installation Report which had been produced.
11. The work carried out to the central heating system on 12 April 2013 had not been effective in resolving the problems which the Tenant had encountered and that this had been intimated to the Landlord. In the absence of any representations to the contrary, the Committee finds that the Landlord has failed to carry out the work specified in the Notice of Variation dated 18 March 2013.
12. The issue relating to water ingress at the window in the front bedroom has not been addressed by the Landlord and in the absence of any representations to the contrary, finds that the Landlord has failed to carry out the work specified in the Notice of Variation dated 18 March 2013.
13. Accordingly the Committee finds that the Landlord has failed to comply with the RSEO as varied.
14. Having so determined, the Committee considered the making of a Rent Relief Order in terms of section 27 of the Act.
15. The Committee noted that the application had been made by the Tenant on 24 October 2011 in which the issues which remained outstanding had been detailed. It also noted that the issue of the water ingress at the bedroom window appeared to be intermittent in that it was not an issue for lengthy periods but did periodically return. It also noted that no progress had been made since 8 March 2013 in that regard.
16. The Committee considered that the inconvenience and discomfort suffered by the Tenant as a result of the faulty central heating system and the surface damage caused by the water ingress in the front bedroom justified a restriction in rent of 15 % and decided to issue a Rent Relief Order in those terms.

RIGHT OF APPEAL

17. 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

18. 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.

D Preston

CHAIRMAN

23-6-13