

Determination by the Private Rented Housing Committee

Statement of Reasons of the Committee under Sections 26 and 27 of the Housing (Scotland) Act 2006

prhp Ref: EH15/26/09

**Re: Property at 35 Southfield Farm Grove, Duddingston, Edinburgh
EH15 1SR ("the Property")**

The Parties:-

**Kathryn Mitchell and Annie Ferguson of 35 Southfield Farm Grove,
Duddingston, Edinburgh ("the Tenants")**

**Elizabeth Raymonde Manshouri and Mehdi Manshouri, 9 Duddingston
Crescent, Edinburgh ("the Landlords")**

Decision

- **The Committee ,having made such enquiry as it saw fit ,determines that the Landlords have failed to comply with the terms of the Repairing Standard Enforcement Order dated 16th July 2009 and now serves notice of the said failure on the City of Edinburgh Council in terms of section 26 of the Act, and further, the Committee makes a Rent Relief Order reducing the rent payable under the tenancy by 50% in terms of section 27 of the Act.**

Statement

On 16th July 2009 the Committee made a Repairing Standard Enforcement Order requiring certain works to be carried out at the property. Said work was ordered to be completed within 10 weeks .The RSEO is referred to for its terms.

On 5th October 2009 the Committee's surveyor member re-inspected the property to ascertain whether or not the works had been carried out. The re-

inspection was carried out in the presence of both parties. The Committee's surveyor member reported the landlords had failed to comply with the terms of the RSEO . A re-hearing and re-inspection took place on 5th November 2009.

Both parties attended the re-hearing and the re-inspection. The re-hearing took place in the Central Library in Edinburgh. Committee heard from Mr Links , their surveyor member, from Miss Ferguson (tenant) and from Mr Manshour (Landlord).

- On re-inspection the Committee found the electrical wiring system appeared to be repaired however the Certificate of Electrical Safety which was produced was dated prior to the required work being carried out and gave the Committee cause for concern. The landlord advised the wrong date had been entered on the Certificate and he would ask the electrician to amend.

In the absence of the Electrical Safety Certificate the Committee determines the Landlords have failed to comply with the terms of the RSEO.

- The back door remains insecure. The snib is inactive and will not hold the door shut when it is closed. To hold the door shut it must be locked. Even when the door is locked it is insecure and does not operate in accordance with manufacturers specifications. The Landlord appears to accept the lock is not operating properly.

The Landlords have failed to comply with the terms of the RSEO in respect of the works required to the back door.

- The patio door frame and sill have been repaired .

The Landlords have complied with the RSEO in respect of the work required to the patio door frame and sill.

- Both parties agree , and the re-inspection confirms, water from the shower unit does not drain away effectively.

The Landlords have failed to comply with the terms of the RSEO in respect of works required to the shower unit.

- The re-inspection confirms the mixer tap in the kitchen has not been replaced.

The Landlords have failed to comply with the terms of the RSEO in respect of the kitchen tap.

- The landlord explained he had spoken to an oven specialist but that the

specialist had not examined the oven and was not in a position to report on the condition of the oven in the property. The tenant advised the problem remains outstanding.

The landlords have failed to comply with the terms of the RSEO in respect of the oven.

Having made the foregoing findings the Committee then decided to make a Rent Relief Order reducing the rent payable under the tenancy by 50%. This reduction reflects the Committee's concerns about the Landlords' failure to comply with the Order in the time specified therein while acknowledging such efforts as have been made.

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.

A McCamley

Chairman



Rent Relief Order

Ordered by the Private Rented Housing Committee

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The Parties:-

Kathryn Mitchell and Annie Ferguson of 35 Southfield Farm Grove, Duddingston,
Edinburgh ("the Tenants")

Elizabeth Raymonde Manshoury and Mehdi Manshoury, 9 Duddingston Crescent,
Edinburgh ("the Landlords")

NOTICE TO ("the Landlord")

Whereas in terms of their decision dated 5th November 2009, 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 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 type written on this page are executed by Anne McCamley, solicitor, Edinburgh Chairman of the Private Rented Housing Committee at Edinburgh on Fifth November Two Thousand and Nine before this witness:- Murdoch McCamley, Chartered Accountant, Osborne House, Osborne Terrace, Edinburgh.

M McCamley

(Witness)

A McCamley