



## 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

PRHP Ref: PRHP/ML1/43/10

**Re:** The dwellinghouse situated at and known as 71 Cumbrae Drive, Motherwell, ML1 3LJ, being the subjects registered in the Land Register of Scotland under Title Number LAN173013 ("the Property")

#### The Parties:-

**MR WILLIAM McPHERSON**, residing at 71 Cumbrae Drive, Motherwell, ML1 3LJ ("the Tenant")

**MR TAHIR AMIN**, residing at 64 Aultmore Drive, Motherwell  
("the Landlord")

#### Background

- 1 On 3<sup>rd</sup> August 2010 the Private Rented Housing Committee ("the Committee") issued a Determination which stated 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 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 Landlord to:-
  - (a) Carry out such works as are necessary to ensure that the gas boiler heating system within the property is capable of being fully operated in a safe manner such as to allow the Tenant to operate normal central heating and hot water functions. The Landlord is required to produce a current Gas Safety Certificate in respect of all gas appliances within the Property including the heating system and is further required to produce an Electrical Safety Certificate for all electrics within the Property.
  - (b) Repair or replace the electric shower in the bathroom so that it is in a reasonable state of repair and in proper working order.
  - (c) Repair the leak below the kitchen sink so that it is in a reasonable state of repair and in proper working order.
  - (d) Repair the socket below the kitchen sink so that it is in a reasonable state of repair and in proper working order.

- (e) Repair the toilet flush mechanism and to secure the toilet cistern to the wall so that the toilet is in a reasonable state of repair and in proper working order.
  - (f) Carry out such repairs as are necessary to ensure that the front door of the Property is wind and water tight.
  - (g) Carry out such repairs to the external cellar door so that it is in a reasonable state of repair and in proper working order.
  - (h) Repair the external waste pipe at the rear of the Property so that it is in a reasonable state of repair and in proper working order.
- 3 The Private Rented Housing Committee ordered that the works specified in the RSEO were to be carried out and completed within a period of 4 weeks from the date of service of the notice. Service of the notice of the RSEO was effected on the Landlord on 3<sup>rd</sup> August 2010.
- 4 On 14<sup>th</sup> September 2010 the Committee carried out a further inspection of the property for the purposes of ascertaining whether the said repairs required by the RSEO had been completed. The Committee determined that the repairs required had not been carried out and had not been completed. The Tenant was present at the re-inspection. The Landlord did not attend the re-inspection of the property.
- 5 On the same date the Committee held a further hearing which was attended by the Tenant. The Landlord did not attend the further hearing.

#### **Decision and Reasons**

- 6 The Committee having heard from the Tenant considered whether a Rent Relief Order should be made in terms of Section 27 of the Act and determined that such an order should be made given the Landlord's failure to comply with the RSEO without reasonable excuse. They then considered the amount by which the rent payable under the tenancy in question should be reduced. They considered the impact of the outstanding repairs on the Tenant's enjoyment of the property, the failure of the Landlord to carry out the repairs, and the failure of the Landlord even to commence repairs despite the terms of the RSEO. In all the circumstances they determined that an appropriate reduction in rent would be to reduce the rent payable under the tenancy by 80%. They considered that the Rent Relief Order should be effective from 28 days after the last date in which the decision to grant the Rent Relief Order may be appealed under Section 64 of the Act.
- 7 The Committee having made such enquires as is fit for the purposes of determining whether the Landlord has complied with the RESO in relation to the property concerned determined that the Landlord had failed to comply with the RSEO in terms of Section 26 (1) of the Housing (Scotland) Act 2006 and that notice of that failure should be served on the Local Authority in which the property is situated.
- 8 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.

#### **Right of Appeal**

- 9 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**

- 10 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.

**A S Cowan**

...  
Andrew S Cowan, Chairperson

Date 14/9/10

**C A Millar**

Witness

Full Name Carol Anne Millar  
Address 7 West George Street, Glasgow G2 1BA  
Occupation Legal Secretary



## Rent Relief Order

Ordered by the Private Rented Housing Committee

PRHP Ref PRHP/ML1/43/10

Re: The dwellinghouse situated at and known as 71 Cumbrae Drive, Motherwell, ML1 3LJ, being the subjects registered in the Land Register of Scotland under Title Number LAN173013 (hereinafter referred to as "the house")

**The Parties:-**

MR WILLIAM McPHERSON, residing at 71 Cumbrae Drive, Motherwell, ML1 3LJ ("the Tenant")

MR TAHIR AMIN, residing at 64 Aultmore Drive, Motherwell ("the Landlord")

**NOTICE TO ("the Landlord")**

Whereas in terms of their decision dated 27<sup>th</sup> July 2010, 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 80% 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 and the preceding page(s) are executed by Andrew Stuart Cowan, Solicitor, 7 West George Street, Glasgow G2 1BA, Chairperson of the Private Rented Housing Committee at Glasgow on 14<sup>th</sup> September 2010 before this witness:-

**C A Millar**  
\_\_\_\_\_ witness

**A S Cowan**  
\_\_\_\_\_ chairman

Full Name Carol Anne Millar  
Address 7 West George Street, Glasgow G2 1BA  
Occupation Legal Secretary