

## **Determination by the Private Rented Housing Committee**

### **Statement of decision of the Private Rented Housing Committee under Sections 26 and 27 of the Housing (Scotland) Act 2006**

**prhp Ref: KY11/47/09**

**Re: Property at 4 Louise Street, Dunfermline, Fife KY11 4AU  
("the Property")**

#### **The Parties:-**

**Mary George, 4 Louise Street, Dunfermline, Fife ("the Tenant")**

**Anna Kennedy-Stewart, 29a Mill Street, Alloa, FK10 1DT ("the Landlord")**

#### **Decision**

- **The Committee ,having made such enquiry as it saw fit ,determines that the Landlord has failed to comply with the terms of the Repairing Standard Enforcement Order dated 1<sup>st</sup> October 2009 and now serves notice of the said failure on Fife 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 75% in terms of section 27 of the Act.**

## **Statement**

**On 1<sup>st</sup> October 2009 the Committee made a repairing Standard Enforcement Order requiring certain work to be carried out at the property. Said work was ordered to be carried out within 3 months of the date of service of the RSEO. The RSEO is referred to for its terms.**

**On 22<sup>nd</sup> January 2010 the Committee re-inspected the property to ascertain whether or not the work had been completed. The landlord and tenant had both been invited to attend. The tenant was present with her son. The landlord did not attend.**

**Accordingly the Committee re-inspected the property in the presence of the tenant.**

**The Committee noted the landlord had not carried out any of the works required in terms the RSEO and, in particular, that damp meter readings in the hall cupboard and kitchen cupboard still registered 'off the scale'.**

**The Committee find that the landlord has failed to comply with the terms of the RSEO.**

**Having made the foregoing finding the Committee decided to make a Rent Relief Order reducing the rent payable under the tenancy by 75%. This reduction reflects the Committee's concerns regarding the health and safety issues surrounding the dampness in the property. There is extreme dampness in the hall cupboard which houses the property's electrical unit. The Committee take the view this represents a potential fire hazard. Further extreme dampness is to be found in the kitchen where food is stored and**

**prepared. We are satisfied this represents a potential health hazard . The landlord has made no attempt to obtemper the terms of the RSEO. The landlord has given no explanation for this failure.**

**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 )  
PRHP  
22nd January 2010



## Rent Relief Order

Ordered by the Private Rented Housing Committee

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Re: Property at 4 Louise Street, Dunfermline, Fife KY11 4AU  
("the Property")

The Parties:-

Mary George, 4 Louise Street, Dunfermline, Fife ("the Tenant")

Anna Kennedy-Stewart, 29a Mill Street, Alloa, FK10 1DT ("the Landlord")

### NOTICE TO ("the Landlord")

Whereas in terms of their decision dated 1st October 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 75% 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 by me Anne McCamley, Solicitor and Chairman of the Private Rented Housing Committee at Edinburgh on Twenty Second January Two Thousand and Ten in the presence of Murdoch McCamley, Chartered Accountant, Osborne House, Osborne Terrace, Edinburgh.

**M McCamley**

(witness)

**A McCamley**

Chairman prhp