



## Rent Relief Order

### Ordered by the Private Rented Housing Committee

PRHP Reference: prhp/G13/78/12

#### PROPERTY

54 Locksley Avenue, Knightswood, Glasgow G13 3NB, registered in the Land Register for Scotland under title number GLA36211

#### PARTIES

Sharon Forrester, residing at the property.

Tenant

and

Bhubinder Singh Burmy and Sawarnjit Kaur Burmy, Spouses, residing formerly at 2 Victoria Park Gardens and now at 188 Southbrae Drive, Glasgow G13 1TX.

Landlord

#### **NOTICE TO Bhubinder Singh Burmy and Sawarnjit Kaur Burmy ("the Landlord")**

Whereas in terms of their decision dated 31 December 2012, 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 made by the Committee in relation to the house.

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 25% 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 are executed as follows:

D Preston

Chairman

OBAN ..... Date of Signing  
Place

5-2-13 ..... Place of Signing  
DATE

S Preston

Witness

Suecia Preston ..... Name

West Ave ..... Address

D. Williams (see) ..... (see)

OBAN .....

.....



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE UNDER  
RULE 26(1)) OF THE PRIVATE RENTED HOUSING PANEL (APPLICATIONS AND  
DETERMINATIONS)(SCOTLAND) REGULATIONS 2007**

In connection with

**PROPERTY**

54 Locksley Avenue, Knightswood, Glasgow G13 3NB, registered in the Land Register for Scotland under title number GLA36211

**PARTIES**

Sharon Forrester, residing at the property.

**Tenant**

and

Bhubinder Singh Burmy and Sawarnjit Kaur Burmy, Spouses, residing formerly at 2 Victoria Park Gardens and now at 188 Southbrae Drive, Glasgow G13 1TX.

**Landlord**

PRHP Reference: prhp/G13/78/12

**DECISION**

The Committee, having made such enquiries as is fit for the purposes of determining: (1) whether the Landlord has complied with the terms of the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 4 October 2012 in terms of section 26 (1) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act") and (2) whether to make a Rent Relief Order in terms of section 26 (2) of the Act; DETERMINED that the Landlord had failed to carry out the repairs specified in the RSEO and that a Rent Relief Order should be made reducing the rent payable under the tenancy by the sum of 25%.

**BACKGROUND**

1. Reference is made to: the Determination of the Committee dated 31 December 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 the RSEO made by the Committee which required the Landlord to carry out works as

specified therein. The said works were to be carried out and completed within 28 days from the date of service of the Notice of the RSEO, which was effected on 9 October 2012.

2. A re-inspection of the property took place on 28 November 2012 and a report thereon dated 4 December 2012 was copied to both parties. The report confirmed that the Tenant advised the surveyor member that some electrical works had been undertaken, including replacement of the electrical consumer unit with contact breakers, although contact breakers were found to "trip" regularly.
3. Works outstanding at the time of reinspection:
  - a. To properly and securely attach the central heating radiator in the hall to the wall and to fix the leaking valve on that radiator.
  - b. To secure and properly seal the flue from the combi-boiler in the kitchen and to obtain an up to date gas safety certificate from a suitably qualified Gas Safe Engineer covering all gas installations and appliances at the property and to lodge same with PRHP.
  - c. To obtain an up to date electrical installation inspection report from a suitably qualified electrician covering the electrical system and PAT Certificates for all electrical appliances and to lodge same with PRHP
  - d. In the event that any of the Reports obtained indicate or recommend that work is required to the installations or appliances, to carry out such work and comply with such recommendations.

Accordingly none of the works specified in the RSEO had been undertaken by the Landlord within the specified time.

4. On 6 December 2012 copies of the re-inspection report were sent to the parties with a request for their comments and representations. Neither party responded to the re-inspection report.
5. On 15 January 2013 an Electrical Installation Certificate was received from the landlord which confirms that the power and lighting installation conforms to BS 7671:2008.
6. As at the date of this decision none of the other concerns of the Committee including the production of PAT Certificates for all electrical appliances have been addressed by the Landlord.
7. The Landlord had not made an application for a Variation of the RSEO by seeking an extension to the time. The RSEO provided that the Works specified in the Order were to be carried out and completed within 28 days from the date of service of the Order which should have been by 2 December 2012.
8. The Committee found that the landlord had failed to comply with the Repairing Standard Enforcement Order made by the Committee.
9. In terms of section 26(2)(a) the Committee was then required to decide whether to make a Rent Relief Order.
10. The Committee determined that a Rent Relief Order should be made in terms of s 26(2)(b) of the Act and considered that a reduction in the rent payable of 25% per month would be appropriate.

11. In making its determination, the Committee noted that it was entitled to reduce the rent payable by the Tenant by up to 90%. In reaching its decision as to the level of restriction, the Committee was mindful of the fact the Landlord had ignored the findings of the Committee and the RSEO which had been issued. The Committee determined that until such time as the Landlord recognised his duties as a Landlord in respect of the property, it had no option but to issue a Rent Relief Order restricting the level of rent to be paid by the Tenant by 25% until such time as the terms of the RSEO had been implemented.
12. The Committee also considered that the nature of the work specified in the RSEO while not extensive or complicated was serious and could impact upon the health safety of the Tenant or her family. The Committee considered that the requirement to ensure that all electrical and gas systems and appliances are in full and proper working order and present no threat to the health and safety of the occupants of the property was of paramount importance which the Landlord had neglected.
13. For these reasons, the Committee wished to ensure that the required tests be carried out, reports obtained and any necessary work identified therein carried out as soon as possible.
14. The Rent Relief 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

15. 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

16. 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**  
Signed .....  
Chairperson

Date 5-2-13 .....