



RENT RELIEF ORDER

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref; KY5/87/11

PROPERTY

All and whole the subjects known as and forming 8/10 Ballingry Road, Lochore being the subjects more particularly described in the disposition to John Reid recorded in the General Register of Sasines for the County of Fife on the fifteenth day of June nineteen hundred and eighty seven.

PARTIES

MR ALAN DUNCAN, residing at 8/10 Ballingry Road, Ballingry, KY5 8EX.

Tenant

and

MR RONALD CLOUGH, residing at 3 Stephen Place, Lochgelly, KY5 9DP.

Landlord

RENT RELIEF ORDER ('RR0') AGAINST MR RONALD CLOUGH, residing at 3 Stephen Place, Lochgelly, KY5 9DP, landlord of the subjects known as and forming 8/10 Ballingry Road, Lochore, KY5 8EX.

1. **WHEREAS** in terms of their decision dated 7th December, 2011 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 property made by the Committee.
2. 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 property by an amount of **90%** 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.

RIGHT OF APPEAL

3. 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.

EFFECT OF APPEAL

4. 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 typewritten consisting of this and the preceding two pages are subscribed by me, Steven Peter Walker, Advocate & Barrister, Chairman of the Private Rented Housing Committee, at London on the seventh day of December two thousand and eleven before this witness, Hee Kiat Sii, solicitor, 2-5 Warwick Court, London, WC1R 5DJ.

S Walker

Chairman

H K Sii

Witness



PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS

PROPERTY:

8/10 Ballingry Road, Lochore, KY5 8EX

STATEMENT OF REASONS

INTRODUCTION

1. This was an application dated 20th April, 2011 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mr Alan Duncan ('the tenant') regarding the property known as and forming 8/10 Ballingry Road, Lochore, KY5 8EX ('the property'). The landlord of the property is Mr Ronald Clough, residing at 3 Stephen Place, Lochgelly, KY5 9DP ('the landlord').
2. The Committee by Statement of Reasons dated 13th July, 2011 determined that the landlord has failed to comply with the duty imposed on him by section 14(1)(b) of the Act as the property fails to meet the repairing standard as set out in section 13(1) of the Act. The Committee ordered that certain works be carried out by the landlord by Repairing Standard Enforcement Order ('RSEO') dated 13th July, 2011.
3. The RSEO at paragraph 3 ordered the landlord to;-
 3. *In particular, and without prejudice to the foregoing generality, the Committee **HEREBY ORDERS** the landlord to carry out the following repairs ('the Works');-*
 - 3.1 *The mice infestation requires eradication to ensure that the property is in all other respects reasonably fit for human habitation.*
 - 3.2 *The central heating requires repair to ensure it is in a reasonable state of repair and in proper working order.*
 - 3.3 *The dampness in all the rooms requires eradication to ensure that the property is water tight and in all other respects reasonably fit for human habitation.*
 - 3.4 *The electrics in the property require repair to ensure that the electricity installations in the property are in a reasonable state of repair and in proper working order.*

- 3.5 *The warped doors internal to the property require repair/replacement to ensure that they are in a reasonable state of repair and in proper working order.*
- 3.6 *The installations in the house for the supply of hot water require repair to ensure they are in a reasonable state of repair and in proper working order.*
- 3.7 *The installations in the house for the supply of cold water require repair to ensure they are in a reasonable state of repair and in proper working order.*
- 3.8 *The kitchen external door and lock requires repair/replacement to ensure it is in a reasonable state of repair and in proper working order.*
- 3.9 *The front door lock requires repair to ensure it is in a reasonable state of repair and in proper working order.*
- 3.10 *The broken kitchen floor tiles require repair to ensure they are in a reasonable state of repair and in proper working order.*
- 3.11 *Smoke alarms require to be installed to ensure that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.*
- 3.12 *The room vents require repair to ensure they are in a reasonable state of repair and in proper working order.*
- 3.13 *The external front rough casting requires repair to ensure that it is in a reasonable state of repair and in proper working order.*
- 3.14 *The cracked roof tiles to rear require repair/replacement to ensure that the house is wind and water tight and in all other respects reasonably fit for human habitation.*

CORRESPONDENCE FROM THE PARTIES

4. The tenant advised by letter dated 28th October, 2011 that none of the works required by the RSEO have been carried out. The landlord confirmed by letter dated 1st November, 2011 that none of the works required by the RSEO had been carried out as he was in the process of evicting the tenant. Both parties were then asked if they wished to

make any further representations. Only the landlord responded by letter received on 24th November, 2011 in which he repeated his position.

DECISION & REASONS

5. The Committee considered the terms of the correspondence from the parties and given the admission of the landlord that none of the works required by the RSEO have been carried out, the Committee then considered whether a Rent Relief Order ('RRO') should be made in terms of section 27 of the Act and the Committee determined that an RRO should be made given the landlord's failure to comply in full with the RSEO without reasonable excuse.
6. The Committee then considered the amount by which the rent should be reduced taking into account (1) the impact on the tenant of the failure to carry out the repairs, and (2) the failure by the landlord to carry out the repairs in direct contravention of an Order made by this Committee.
7. The Committee determines that the landlord has failed to comply with the RSEO in terms of section 26(1) of the Act and that notice of this failure shall be served on the relevant local authority.
8. Accordingly, in the circumstances the Committee determines that an RRO should be made in terms of section 27 of the Act and determines that an appropriate deduction is 90%.

EFFECTIVE DATE

9. The RRO is effective 28 days after the last date in which the RRO can be appealed under section 64 of the Act.

RIGHT OF APPEAL

10. 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

11. 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.

Signed  S Walker

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

7th December, 2011