



**REPAIRING STANDARD ENFORCEMENT ORDER**

**BY THE**

**PRIVATE RENTED HOUSING COMMITTEE**

PRHP Ref; FK15/11/12

**PROPERTY**

24 Rylands Road, Dunblane, FK15 0HN TITLE NO PTH30861

**PARTIES**

**MISS JENNY YERSZ**, residing at 24 Rylands Road, Dunblane, FK15 0HN

**Tenant**

and

**MR MOHAMMAD ZAHID**, residing at 75 Gillies Hill, Cambusbarron, Stirling, FK7 9PQ.

**Landlord**

**REPAIRING STANDARD ENFORCEMENT ORDER ('RSEO') AGAINST MR  
MOHAMMAD ZAHID**, residing at 75 Gillies Hill, Cambusbarron, Stirling, FK7 9PQ.

1. **WHEREAS** in terms of their decision dated 17 April 2012 the Private Rented Housing Committee ('the Committee') determined that the landlord has failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act

2006 ('the Act') and in particular the property fails to meet the repairing standard as set out in section 13(1) of the Act.

2. The Committee now requires the landlord carry out such work as is required to ensure the property meets the repairing standard and that any damage caused as a consequence of carrying out of any works in terms of this Order is also made good (ie; redecoration) before the expiry of the Completion Date.

### **THE ORDER**

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 front door and back door require repair/replacement to ensure they are wind and water tight and in all other respects reasonably fit for human habitation and further that the structure and exterior of the house is in a reasonable state of repair and in proper working order.
  - 3.2 The windows require repair/replacement to ensure they are wind and water tight and in all other respects reasonably fit for human habitation and further that the structure and exterior of the house is in a reasonable state of repair and in proper working order.
  - 3.3 The installations in the house for the supply of gas require inspection by a Gas Safe Registered Engineer and a Gas Safety Certificate must be obtained from that engineer and sent to the PRHP office **WITHIN 21 DAYS OF THE DATE OF SERVICE OF THIS ORDER** to ensure that the supply of gas to and in the property is in a reasonable state of repair and in proper working order.
  - 3.4 The hob and oven requires repair/replacement to ensure it is in a reasonable state of repair and in proper working order.

- 3.5 The sink requires repair to ensure it is in a reasonable state of repair and in proper working order.
- 3.6 The cupboard doors upstairs require repair to ensure they are in a reasonable state of repair and in proper working order.
4. The Committee **HEREBY FURTHER ORDERS** that the Works, with the exception of paragraph 3.3 above, specified in this Order must be carried out and completed before the expiry of the Completion Date of **FOUR WEEKS** from the date of service of this Order.

#### **RIGHT OF APPEAL**

5. 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**

6. 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.

**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 Edinburgh on the seventeenth day of April two thousand and twelve before this witness, Hee Kiat Sii, solicitor, c/o 2-5 Warwick Court, London.

Chairman

**S Walker**

Witness

**H Kiat Sii**



**PRIVATE RENTED HOUSING COMMITTEE  
STATEMENT OF REASONS**

**PROPERTY:**

24 Rylands Road, Dunblane, FK15 OHN

**INSPECTION & HEARING**

**29 March 2012**

## **STATEMENT OF REASONS**

### **INTRODUCTION**

1. This is an application ('the application') dated 12 January 2012 made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Miss Jenny Yersz ('the tenant') regarding the property known as and forming 24 Rylands Road, Dunblane, FK15 OHN ('the property'). The landlord of the property Mr Mohammad Zahid ('the landlord') who resides at 75 Gillies Hill, Cambusbarron, Stirling, FK7 9PQ. The tenant is represented by her uncle, Mr Ian Donald ('Mr Donald').
2. In the application the tenant contends 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.
3. The Committee comprised

Chairman	Mr Steven Walker
Surveyor	Mr Ian Mowatt
Housing Member	Mrs Christine Anderson

### **THE DOCUMENTATION**

4. The Committee considered all the documents referred to it by the parties.

### **THE INSPECTION**

5. The Committee inspected the property. The tenant and the landlord together with the tenant's representative and family were present at the inspection.

## DESCRIPTION OF THE PROPERTY

6. The property is a two storey mid-terraced dwellinghouse, principally of cavity brick/block construction beneath a pitched and slated roof, comprising 3 bedrooms, bathroom, kitchen, dining room, livingroom, and garden to front and rear. The property is in the city of Dunblane and close to local amenities.

## THE HEARING

7. The hearing took place at the Braeport Centre, Dunblane on 29 March 2012. The tenant's representative and landlord attended the hearing. The tenant's complaint is that the landlord had failed to meet the repairing standard as detailed in the application. In summary, the tenant considers there has been a failure by the landlord to meet the repairing standard on the following outstanding matters;-

- (a) **Front and back doors are not wind or water tight, insecure;**
- (b) **All windows in the house not wind/water tight;**
- (c) **Hob – advised to replace it by gas engineer;**
- (d) **Oven not working properly;**
- (e) **Dampness in kitchen;**
- (f) **Kitchen sink does not drain properly;**
- (g) **Kitchen ceiling marked again due to leak somewhere in bathroom;**
- (h) **Cupboard doors upstairs hanging off runners;**
- (i) **Cupboard doors in front hall have holes in them;**
- (j) **Insulation in loft is insufficient.**

8. The Chairman opened the hearing and advised the parties that they would be able to address the Committee.
9. In summary, at the hearing the parties largely repeated their positions as already provided to the Committee in writing. However, the landlord advised the Committee that he was happy to repair those defects for which he was responsible. The Chairman then concluded the hearing.

### **THE ACT**

10. Section 14(1)(b) of the Act provides;-

***“14 Landlord's duty to repair and maintain***

*(1) The landlord in a tenancy must ensure that the house meets the repairing standard—*

- (a) at the start of the tenancy, and*  
*(b) at all times during the tenancy.”*

11. Section 13 of the Act provides;

***“13 The repairing standard***

*(1) A house meets the repairing standard if—*

- (a) the house is wind and water tight and in all other respects reasonably fit for human habitation,*
- (b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,*
- (c) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,*
- (d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,*

*(e) any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed, and*

*(f) the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.”*

### **FINDINGS OF FACT & REASONS**

12. The complaints before the Committee as per the tenant's application and our determinations in relation to this are as follows:-

**(a) Front and back doors are not wind or water tight, insecure;**

13. At the inspection, the front door and back door had large gaps which would let in wind. The handle of the back door did not function properly and was difficult to open. Accordingly, the Committee determines that the front door and back door are not wind and water tight and in all other respects reasonably fit for human habitation and further that the structure and exterior of the house is not in a reasonable state of repair and in proper working order.

**(b) All windows in the house not wind/water tight;**

14. At the inspection, all of the windows had either missing handles or handles which would not close the window tightly enough to exclude wind. The bathroom window was free from its hinges and liable to fall out. Accordingly, the Committee determines that the windows are not wind and water tight and in all other respects reasonably fit for human habitation and further that the structure and exterior of the house is not in a reasonable state of repair and in proper working order.



**(c) Hob – advised to replace it by gas engineer;**

15. At the inspection, the Committee noted that the gas ignition button was broken. At the hearing the landlord confirmed that there was no gas safety certificate for the property. Accordingly, the Committee determines that the installations in the house for the supply of gas are not in a reasonable state of repair and in proper working order.

**(d) Oven not working properly;**

16. At the inspection, the Committee noted that oven handle was broken and the insulation seal was in a poor state of repair. Accordingly, the Committee determines that the oven is not in a reasonable state of repair and in proper working order.

**(e) Dampness in kitchen;**

17. At the inspection, the Committee's surveyor tested for dampness with a damp meter and no moisture was found. Accordingly, the Committee makes no determination in this regard.

**(f) Kitchen sink does not drain properly;**

18. At the inspection, the Committee noted and observed that the sink was very slow to drain and did not drain properly. Accordingly, the Committee determines that the sink is not in a reasonable state of repair and in proper working order.

**(g) Kitchen ceiling marked again due to leak somewhere in bathroom;**

19. At the inspection, the Committee's surveyor tested for dampness with a damp meter and no moisture was found. Accordingly, the Committee makes no determination in this regard.

**(h) Cupboard doors upstairs hanging off runners;**

20. At the inspection, the Committee noted and observed that the upstairs cupboard doors were hanging off the runners. Accordingly, the Committee determines that the cupboard doors upstairs are not in a reasonable state of repair and in proper working order.

**(i) Cupboard doors in front hall have holes in them;**

21. At the inspection, the Committee noted and observed that the cupboard doors in the front hall have holes in them. The tenant advised the Committee at the inspection that these holes were present before the tenancy commenced. Accordingly, as the tenant willingly commenced the tenancy with the cupboard doors in that condition and so this Committee makes no determination in that regard.

**(j) Insulation in loft is insufficient.**

22. At the inspection, the Committee's surveyor inspected the loft and observed that there was insulation in the loft which was adequate when considered against the age and character of the property. Accordingly, the Committee makes no determination in this regard.

**SUMMARY OF DECISION**

23. The Committee accordingly determines that the landlord has failed to comply with the duty imposed by section 14(1)(b) of the Act in respect of certain complaints.
24. The Committee accordingly makes a Repairing Standard Enforcement Order as required by section 24(1).

## **RIGHT OF APPEAL**

25. 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**

26. 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.

**S Walker**

Signed .....

**Steven P Walker**

**Advocate & Barrister**

**Chairman**

**Private Rented Housing Committee**

**17 April 2012**