



REPAIRING STANDARD ENFORCEMENT ORDER

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref; DD8/125/11

PROPERTY

All and whole the subjects know as and forming 2 Station Cottages, Glamis, By Forfar, Angus, DD8 1QF being part of the subjects more particularly described in the disposition to Strathmore Estates (Holdings) Limited recorded in the General Register of Sasines for the County of Angus on the twenty first day of January Nineteen Hundred and Fifty Seven.

PARTIES

MRS SYLVIA STEWART, residing at 2 Station Cottages, Glamis, By Forfar, Angus, DD8 1QF

Tenant

and

STRATHMORE ESTATES HOLDING LIMITED, who have a place of business at Estates Office, Glamis, By Forfar, Angus, DD8 1RJ.

Landlord

REPAIRING STANDARD ENFORCEMENT ORDER ('RSEO') AGAINST STRATHMORE ESTATES HOLDING LIMITED, who have a place of business at Estates Office, Glamis, By Forfar, Angus, DD8 1RJ.

1. **WHEREAS** in terms of their decision dated 4th September, 2011, 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 requires replacement to ensure that the front door is wind and water tight and in all other respects reasonably fit for human habitation and further that the front door is in a reasonable state of repair and in proper working order.
 - 3.2 The top sash of the widow in the back bedroom requires repair/replacement to ensure that the window in the back bedroom is in a reasonable state of repair and in proper working order.
 - 3.3 The property requires the installation of new mains wired and interlinked smoke alarms to ensure that the property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

4. The Committee **HEREBY FURTHER ORDERS** that the Works 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 London on the fourth day of September two thousand and eleven before this witness, Hee Kiat Sii, solicitor, c/o 2-5 Warwick Court, London.

S Walker

Chairman

H K Sii

Witness



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

2 Station Cottages, Glamis, By Forfar, Angus, DD8 1QF

INSPECTION & HEARING

1st September, 2011

STATEMENT OF REASONS

INTRODUCTION

1. This is an application ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mrs Sylvia Stewart ('the tenant') regarding the property known as and forming 2 Station Cottages, Glamis, By Forfar, Angus, DD8 1QF ('the property'). The landlord of the property is Strathmore Estates Holding Limited ('the landlord') who have a place of business at Estates Office, Glamis, By Forfar, Angus, DD8 1RJ. The landlord is represented by Mr John Wood ('the agent').

2. In the application the tenant contends that the landlord has failed to comply with the duty imposed on them 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 David Godfrey
Housing Member	Mr John Wolstencroft

THE DOCUMENTATION

4. The Committee considered all the documents referred to it by the parties. At the hearing the agent lodged (without objection from the tenant) copies of the exchange of correspondence between the parties.

THE INSPECTION

5. The Committee inspected the property. The tenant, her husband, and the agent were present at the inspection.

DESCRIPTION OF THE PROPERTY

6. The property is a single storey terraced cottage, principally of stone construction beneath a pitched and slated roof, comprising 2 bedrooms, bathroom, kitchen, livingroom, bathroom and garden to front. The property is in the countryside a few miles from the village of Glamis.

THE HEARING

7. The hearing took place at the Cross, West High Street, Forfar on 1st September, 2011. The tenant and the agent 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 matters;-

- (a) Front door is not wind and watertight;**
- (b) Window in back bedroom is not in reasonable state of repair;**
- (c) Problem with shower and cooker;**
- (d) Problem with smoke alarm;**
- (e) Potholes in access road.**

8. The Chairman opened the hearing and advised the parties that they would be able to address the Committee.

The Hearing

9. In summary, at the hearing the parties then largely repeated their positions as already provided to the Committee in writing after which the Chairman 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 door is not wind and watertight;

13. At the inspection, it was observed that the front door was incorrectly fitted, rotten in parts and warped. Accordingly, the Committee determines that the front door is not wind and water tight and in all other respects reasonably fit for human habitation and further that the front door is not in a reasonable state of repair and in proper working order.

(b) Window in back bedroom is not in reasonable state of repair;

14. At the inspection, it was observed that the top sash in the window in the back bedroom was in disrepair and could not be opened. Accordingly, the Committee determines that the window in the back bedroom is not in a reasonable state of repair and in proper working order.

(c) Problem with shower and cooker;

15. At the hearing, the tenant advised that these issues had been remedied by the landlord and accordingly the Committee makes no determination in this regard.

(d) Problem with smoke alarm;

16. At the inspection, there were two mains wired and interlinked smoke alarms in the front hall and back bedroom. The smoke alarm in the back bedroom went off when the electric heating was switched on in that room. There is clearly a concern given such hypersensitivity that

there is a risk that these smoke alarms are not working correctly. Accordingly, the Committee determines that the house does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

(e) Potholes in access road.

17. At the hearing, the tenant advised that these issues had been remedied by the landlord and accordingly the Committee makes no determination in this regard.

SUMMARY OF DECISION

18. 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.
19. The Committee accordingly makes a Repairing Standard Enforcement Order as required by section 24(1).

RIGHT OF APPEAL

20. 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

21. 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

4th September, 2011