



**PRIVATE RENTED HOUSING PANEL  
REPAIRING STANDARD ENFORCEMENT ORDER**

**THE PROPERTY**

**118 Rosslyn Avenue, Rutherglen, Glasgow G73 3EX** ("the Property")

**The Parties**

**Mrs Lesleyann Crolla, residing at the Property -** ("The Applicant")

**The Tenancy under which the application was made, having been lawfully terminated, and the Committee having determined to continue with the determination of the application in terms of Schedule 2 Paragraph 7(3) of the Act there was no Tenant**

**and**

**Mr Andrew Dunn, residing at 153, Sandyhills Road, Glasgow G32 9NB**  
("the Landlord")

**PRHP Reference: PRHP/RP/14/0280**

**24 April 2015**

**Committee Members – David Preston (Chairperson); Sara Hesp (Surveyor Member); Elizabeth Dickson (Housing Member)**

**REPAIRING STANDARD ENFORCEMENT ORDER ('RSEO') AGAINST THE  
LANDLORD**

- 1. WHEREAS** in terms of their decision dated 24 April 2015 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 failed to meet the repairing standard as set out in section 13(1) of the Act.

2. The Committee now requires the Landlord to 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 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');-
  - i. To carry out such work as is necessary to ensure that adequate ventilation is provided in the Property by, for example, installing extractor fans or repairing or replacing the existing louvred windows in the bathroom and kitchen to enable them to be readily opened and closed from a normal standing position to allow steam to be extracted.
  - ii. To replace or repair the back door of the property to ensure that it fits properly and operates satisfactorily.
  - iii. To carry out such work to the electrical system to ensure that it is in a reasonable state of repair and in proper working order.
  - iv. To lodge with PRHP a satisfactory Electrical Installation Condition Report (EICR) completed by a suitably competent person registered with NICEIC.
  - v. In accordance with the recommendations contained in BS5839 Part 6, to install smoke alarm and fire detectors that meet the standard as set by building regulations and the revised Domestic Technical Handbook guidance on the requirements for smoke alarms, details of which are available on the PRHP website at [www.prhpscotland.gov.uk](http://www.prhpscotland.gov.uk).

4. The Committee **HEREBY FURTHER ORDERS** that the Works specified in this Order must be carried out within **EIGHT** 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 consisting of this and the two preceding pages are subscribed as follows:

D. PRESTON

E. MCLEAN <sup>1</sup>

**Chairman**

**Witness**

28-4-15.....Date of Signing

ELIUDH ROSS MACLEAVY.....Name

1 WENTWORTH.....Address

PORTREE.....Place of Signing

STREET, PORTREE, ISLE.....

OF SKYE.....

.....



**PRIVATE RENTED HOUSING PANEL**

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

**THE PROPERTY**

**118 Rosslyn Avenue, Rutherglen, Glasgow G73 3EX** (“the Property”)

**The Parties**

**Mrs Lesleyann Crolla, residing at the Property -** (“The Applicant”)

**The Tenancy under which the application was made, having been lawfully terminated, and the Committee having determined to continue with the determination of the application in terms of Schedule 2 Paragraph 7(3) of the Act there was no Tenant**

**and**

**Mr Andrew Dunn, residing at 153, Sandyhills Road, Glasgow G32 9NB**  
 (“the Landlord”)

**PRHP Reference: PRHP/RP/14/0280**

**24 April 2015**

**Committee Members – David Preston (Chairperson); Sara Hesp (Surveyor Member);  
Elizabeth Dickson (Housing Member)**

**Decision**

1. The Committee, having made such enquiries as are fit, determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act") in relation to the Property.
2. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1).

## Background

1. By application dated 1 December 2014 the Applicant and former Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Act.
  1. The Applicant complained that the Landlord had failed to ensure that:
    - a. The Property was wind and watertight and in all other respects reasonably fit for human habitation.
    - b. The installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water was in a reasonable state of repair and in proper working order.
    - c. Any fixtures, fittings and appliances provided by the Landlord under the Tenancy were in a reasonable state of repair and in proper working order.
    - d. The Property had satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
  2. In particular in the application form, the Applicant complained:
    - a. The windows rattled with slightest wind and were always wet with condensation.
    - b. There was constant mould growth and mould inside the food cupboards.
    - c. The back door was exactly the same as the windows. The draught from both was bad. The back door was in the kitchen and slugs and beasties got into the kitchen.
    - d. The central heating was not working properly, radiators heated slightly and some didn't heat at all.
    - e. The boiler had no pressure.
    - f. The bath panel and bath plug were broken and the seal around the bath was coming off, thick with mould and water ran down the side of bath and on to the floor.
    - g. Some floor tiles in the bathroom were broken.
    - h. The top panel of the living room window was cracked.
    - i. Some of the sockets were unusable, can't even fit plug in.
    - j. The flat was absolutely freezing, especially with no heating working properly.
    - k. Ceiling lights didn't always come on first time and when on the flickered

on/off.

3. By Notice of Referral dated 30 December 2014, the President of the Private Rented Housing Panel gave notice to the Landlord and the Applicant that she had referred the application to the Committee.
4. Following the issue of the Notice of Referral, on 3 February 2015 the Landlord submitted: copy invoice from Busby Glass dated 8 January 2015 in respect of replacement glass and re-sealing living room and bedroom windows; copy invoice from C Hanlon; multi trade specialists dated 8 January 2015 in respect of repairs to the central heating system; and Periodic Inspection Report for a Small Electrical Installation (PIR) dated 27 January 2015 from M&S Contractors Ltd.
5. The Landlord made further written submissions by emails dated 9 and 10 February and 17 March 2015 to which the Committee had regard.
6. No further representations were received from the Applicant.
7. On 2 April 2015, a Notification of Inspection/Hearing was issued advising of an inspection to take place on 24 April 2015 at 10am with a hearing thereafter at the offices of PRHP, Europa building, Argyle Street, Glasgow G2 8LH.
8. Thereafter further correspondence passed between the Landlord and PRHP which advised that the Applicant had vacated the property. As a consequence of this information the Committee determined that the tenancy had been lawfully terminated and advised the Landlord under and in terms of Paragraph 7(3) of Schedule 2 to the Act that it intended to proceed with the Inspection and Hearing as scheduled and issued a Minute of Continuation.
9. The correspondence also indicated that the Landlord had encountered difficulties in gaining access to the property for tradesmen to attend to the Applicant's complaints. He also advised that the Applicant had accrued significant rent arrears. The Landlord also advised that there had been a number of flooding incidents from the upstairs flat which had caused damage to the Property. He had described the steps taken by him to alleviate this problem.

### **Inspection and Hearing**

10. The Landlord was present throughout the inspection. Thereafter a hearing took place at the offices of PRHP. The Landlord did not attend the hearing and was not represented. He advised the Committee during the inspection that he did not intend to attend the hearing. The Property was unoccupied and unfurnished at the time of the inspection.
11. As the tenancy had been lawfully terminated, the former Tenant was no longer a party to the application and was not in attendance at either the inspection or the

hearing

12. The Property comprised a ground floor flat in a sandstone tenement villa and contained large lounge, bedroom, living room, bathroom and kitchen. The lounge could have been used as a second bedroom.

13. In relation to the matters complained of in the application, the inspection revealed:

- a. The windows appeared to the Committee to be wind and weather tight. Some of the windows had been sealed. The Committee was unable to open the windows due to the sealing.
- b. The Committee noted mould growth: in a wall cupboard in the kitchen; in the bathroom around the toilet and the window; and around the toilet.
- c. The louvred windows in the kitchen and bathroom were not capable of being opened and closed. There was no other form of ventilation in either the kitchen or bathroom.
- d. The back door was in poor condition and would have allowed beasts and insects to get in under. The door did not fit correctly and was difficult to open and close properly. The Committee accepted that the door would be draughty.
- e. The bath panel, bath plug and the seals around the bath were noted to be in good condition.
- f. A floor tile in the bathroom was cracked but appeared to have been repaired and was not considered hazardous at the time of inspection.
- g. The top panel of the living room window was noted to be in good order.
- h. The Committee noted that the main light in the kitchen was disconnected as noted in the PIR. The lights in the remainder of the Property appeared to be operational.
- i. Prior to the inspection, the Landlord had switched on the central heating. The Committee noted that the radiators throughout the Property appeared to be operating effectively. The Committee also noted that the pressure in the boiler appeared to be satisfactory.

#### **Findings and Reasons:**

14. At the time of the inspection the weather was calm and the Committee did not detect draughts from the windows. It noted that the Busby Glass invoice indicated that the

windows in the living room and bedroom had been re-sealed. Although the windows were not able to be opened, the Committee considered, on balance, that they were in sufficient condition to meet the Repairing Standard.

15. The Committee noted that there was inadequate ventilation in the Property. In particular there was no means of ventilating the bathroom or the kitchen which were areas in which high levels of moisture would be present. The Committee considered that without adequate ventilation, particularly in these areas, the property failed to meet the Repairing Standard.
16. The Committee took into account the additional problems of dampness and condensation which would have resulted from the reported flooding incidents from the upstairs flat. However when considered in addition to the inadequate ventilation as well as the failed heating system, the Committee considered that the Applicant had been entirely justified in making the application. The Committee accepted that the Applicant was likely to have suffered significant discomfort and inconvenience.
17. However the Committee was of the view that the lack of adequate ventilation in the kitchen and bathroom would continue to give rise to condensation problems and considered that it would be necessary for the Landlord to take steps to either, for example, install extractor fans in the kitchen and bathroom or repair or renew the windows to ensure that they were capable of being opened and closed to provide adequate ventilation and address the condensation problem.
18. The Committee was of the view that the back door was in a poor state of repair and was not in proper working order. The door would require to be replaced or repaired so as to make it wind and watertight and be of an adequate fit so as to prevent slugs etc from entering the Property.
19. The Committee was satisfied that the bath panel, bath plug and the seals around the bath had been repaired or replaced and were in a reasonable state of repair and in proper working order.
20. The Committee found that while one of the floor tiles in the bathroom had been damaged, it had been repaired and was in a reasonable state of repair.
21. The Committee was satisfied that the top panel of the living room window had been replaced.
22. In respect of the electrical system, the Committee noted the terms of the PIR which indicated a number of observations and recommendations: "no earthing at lights or switches; no earth screwing on incoming cable; cupboard switch, no back box; boiler spur not flush with wall (tile needs cut); kitchen light full of water and no earth (disconnected kitchen light); could not test lights as not earth present."
23. The Summary of the PIR which had been carried out on 27 January 2015 reported



that the installation was: "poor, wiring could do with upgrading." The overall assessment was: "Unsatisfactory" the Committee accordingly determined that the electrical installation was not in a reasonable state of repair and was not in proper working order. The Committee considered that this was a potential health and safety issue for occupants of the Property.

24. The Committee noted that there were no smoke detectors in the property. Although not mentioned by the Applicant in her representations, the issue had been highlighted by her in Section 4(c) of the application. The Committee found that the Property did not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

25. Accordingly the Committee determined to issue a Repairing Standard Enforcement Order specifying that the necessary work should be completed within a period of eight weeks from the date of service on the Landlord. The Committee considered that such a period would reasonably allow the Landlord to arrange for the necessary work to be carried out.

D. PRESTON

Chairperson

.....<sup>28-4-15</sup>.....Date