



A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

prhp Ref: KY7/144/12

Re : Property at 306 William Path, Glenrothes, Fife, KY7 6SP ("the Property")

Land Register Title No: FFE80399

The Parties:-

Andrew Baines, 306 William Path, Glenrothes, Fife ("the Tenant")

Alison Betsy Elizabeth Gray, 13 Dalhousie Crescent, Dalkeith ("the Landlord")

Landlord's New Agent: DJ Alexander

NOTICE TO
Alison Betsy Elizabeth Gray, 13 Dalhousie Crescent, Dalkeith
and DJ Alexander

Whereas in terms of their decision dated 28 January 2013, The Private Rented Housing Committee having determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular that the Landlord has failed to comply with the duty to ensure:- that the house is wind and water tight and in all other respects reasonably fit for human habitation and that 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.

The Private Rented Housing Committee now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the Repairing Standard and that any damage caused by the carrying out of any of the work in terms of this Order is made good.

In particular, the Private Rented Housing Committee requires the Landlord to:-

1. Make the roof of the property wind and water tight and ensure that it is in a reasonable state of repair.

The Private Rented Housing Committee orders that the work should be carried out within a period of 6 weeks from the date of service of this notice.

A landlord or a tenant aggrieved by this 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 variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or

finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents type written on this and the preceding page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 28 January 2013 before this witness:-

M Smith

..... Witness

J Lea

..... Chairman

Maxine Smith
Unit 3.5, The Granary Business Centre
Coal Road
Cupar
Fife



Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006

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Re : Property at 306 William Path, Glenrothes, Fife, KY7 6SP ("the Property")

Land Register Number: FFE80399

The Parties:-

Andrew Baines, 306 William Path, Glenrothes, Fife ("the Tenant")

Allison Betsy Elizabeth Gray, 13 Dalhousie Crescent, Dalkeith ("the Landlord")

Landlord's New Agent: DJ Alexander

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) in relation to the house concerned, and taking account of the evidence submitted by both the Landlord and the Tenant, determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated August 2012 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with the duty to ensure that the house is wind and water tight and in all other respects reasonably fit for human habitation, that 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, that the installations in the house for the supply of water, gas and electricity and for sanitation and space heating and heating water are in a reasonable state of repair and in proper working order and that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
3. The President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
4. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant.
5. The Private Rented Housing Committee (comprising of Mrs Judith Lea, Chairman and Legal Member, John Blackwood, Housing Member and Geraldine Wooley, Surveyor Member) inspected the Property on 22 January 2013. The Tenant was present but the Landlord was not present or represented during the inspection.
6. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Collydean Community Centre, Torphins Avenue, Glenrothes. Neither the Landlord or the Tenant were in attendance.

7. At the inspection the Tenant confirmed that the only outstanding issue in relation to the application was the leaking roof. The Tenant pointed out the damage to the walls in the living room and one of the bedrooms caused by water ingress.
8. The property is a two bedroomed mid-terraced house built in 1972. It was clear from the inspection that there had been water ingress in the upstairs bedroom and the living room. The upstairs bedroom wall had soft plaster and was discoloured. In the living room, the wallpaper was coming away from the wall and the wall was damp. The damp meter reading in the upstairs bedroom was normal but the damp meter reading in the living room was very high. It was clear from inspection of the area above the false ceiling in the living room that there was water coming in through the roof.
9. The Committee noted the letters submitted by the Landlord from Kingston Property Preservation and J Docherty. It was however clear from inspection that the defect in the roof has not been fully rectified. The email from the Landlord's new agents, DJ Alexander suggests that they are aware that substantial repairs to the roof are required but have advised that the Landlord has been made bankrupt. The Committee noted this position but in terms of the legislation the Committee must consider whether or not the house meets the Repairing Standard. It was clear from inspection that the roof is leaking which is a breach of Section 13(1)(a) and (b) of the Repairing Standard. The Committee accordingly determined to make an Order that the Landlord rectify the problem with the roof.
10. The Committee was satisfied on the basis of the inspection and the paperwork produced that the issues with the smoke alarms and the gas boiler and hot water have been rectified.
11. The Committee note that the property is in joint names of Ms Gray and Mr Graeme Peddieson. The Committee however do not have a current address for Mr Peddieson and assume that the agents are acting on behalf of both owners. The Committee would ask that the agents ensure that Mr Peddieson is advised of the making of the Order.

Decision

12. The Committee accordingly determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
13. The Committee proceeded to make a Repairing Standard Enforcement Order as required by Section 24(1).
14. The Committee considered it reasonable to allow a period of six weeks for the works required to be carried out.
15. The decision of the Committee was unanimous.

Right of Appeal

16. **A landlord or 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 section 63

17. 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, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed **J Lea** Date..... **28/1/13**

Chairperson