



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

Reference number: prhp/ RP/15/0121

Re: Property at 23 Carfrae Drive, Glenrothes KY6 1LX ("the property")

Land Register Number: FFE46352

The Parties:-

Mrs Anita Karen Paterson, formerly of 23 Carfrae Drive, Glenrothes, KY6 1LX ("the former Tenant")

Valentin Getov, 29 Queen Margaret Drive, Glenrothes KY7 4HR ("the Landlord")

NOTICE TO:- Valentin Getov, 29 Queen Margaret Drive, Glenrothes KY7 4HR
("the Landlord")

Whereas in terms of their decision dated 26 August 2015, 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:- that 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.

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. Rectify the items highlighted in the Electrical Installation Condition Report on the property dated 4 May 2015 classified code C2.

The Private Rented Housing Committee orders that the work specified in this Order must be carried out and completed within a period of six 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 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 26 August 2015 before this witness:-

R GRAHAM

J LEA

..... Witness

.....

.. Chairman

Rachel Graham
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 23 Carfrae Drive, Glenrothes KY6 1LX ("the property")

Land Register Number: FFE46352

The Parties:-

Mrs Anita Karen Paterson, formerly of 23 Carfrae Drive, Glenrothes, KY6 1LX ("the former Tenant")

Valentin Getov, 29 Queen Margaret Drive, Glenrothes KY7 4HR ("the Landlord")

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 documentation provided by both the Landlord and the former 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 26 March 2015 the former 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 former Tenant stated that the former Tenant considered that the Landlord had failed to comply with the duty to ensure 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 and that 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, that any fixtures, fittings and appliances provided by the Landlord under the tenancy 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. After the application was lodged but prior to the matter being referred to a Private Rented Housing Committee, the tenancy was terminated.
4. The President of the Private Rented Housing Panel considered the nature of the repairs raised by the former Tenant were if substantiated likely to raise health and safety issues for occupants and accordingly decided that the matter should be referred to a Private Rented Housing Committee to continue to determine the application.

5. The President of the Private Rented Housing Panel accordingly intimated the decision to refer the application under Section 23(1) of the Act to a Private Rented Housing Committee. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2 paragraph 1 of the Act upon the Landlord.
6. The Private Rented Housing Committee, comprising Judith Lea, Chairman and Legal Member, Geraldine Wooley, Surveyor Member and Susan Shone, Housing Member, inspected the Property on 13 July 2015. The new Tenant's parents gave the Committee access. The Landlord was not present or represented.
7. Following the inspection of the Property, the Private Rented Housing Committee held a hearing at Cadham Community Centre, Cadham Terrace, Glenrothes. The Landlord did not attend the hearing.
8. The former Tenant raised a number of issues in her application and the Committee dealt with each of these issues in turn:-
9. The Electrical System within the Property

The former Tenant alleged that there was an extension socket attached to the skirting board in bedroom 1 that was a fire hazard, that the light fitting in the upper hall required to be replaced, that there was an unsealed light fitting in the bathroom that required to be replaced and that additional sockets in the bedrooms and upgrading of the consumer unit was required. From inspection it was clear that there was a new sealed light unit in the bathroom. A new light fitting had been fitted in the upstairs hall (although there was no bulb in it and was not in an optimum location.) New sockets have been supplied in the bedrooms and there is no evidence of any dangerous extension socket. It was also evident that the consumer unit in the property has been upgraded. The former Tenant had also mentioned that there was a socket in the kitchen which was too close to the fixed gas cooker. The new Tenant's parents advised that the gas cooker in the property belonged to the new Tenant. This cooker was too close to the socket which is still in place on the kitchen wall. The Committee had prior to the hearing issued a direction requiring the Landlord to provide an electrical installation certificate or an EICR Certificate relating to the property. The Landlord had indicated that this would be supplied at the inspection/hearing. Nothing was sent in advance and nothing was supplied at the inspection/hearing. Any such electrical condition report would confirm that the electrical supply and components in the property meet current safety standards. The Committee accordingly allowed the Landlord time to produce this.

The Landlord produced an Electrical Installation Condition Report on the property. This report however shows six C2 items (potentially dangerous) in respect of there being no 10mm earth @ water main, no 10mm earth @ gas main, no earth cable in PVC twin lighting cable, cracked socket in downstairs hall, socket too close to the cooker and screw missing @ spur for boiler.

The Committee considered that these issues are a breach of the Repairing Standard Section 13(1)(c) and made an Order requiring them to be rectified. The Committee also noted that the Electrical Installation Condition Report highlighted that there was no carbon monoxide detector near the boiler and the Committee recommend that the Landlord install this as soon as possible. However given that the former Tenant did not complain about this and that this will only become a mandatory requirement later this year, the Committee did not make an Order in respect of this. The Committee noted that the Electrical Installation Condition Report recommended that the property be re-wired and this is something that the Landlord may wish to consider.

10. Hard Wired Smoke Detectors and Heat Alarm

The former Tenant had complained that the smoke alarms were battery operated and failed to meet the current standard. It was clear from inspection that the Landlord has now installed a hard wired smoke detector system throughout the property with a heat alarm in the kitchen. The Committee was accordingly satisfied that there was no breach of Section 13(1)(f) of the Repairing Standard.

11. Ventilation in the Property

The former Tenant had complained that the windows did not have trickle vents and that there was a significant condensation problem in the property caused by poor ventilation. On inspection it was clear to the Committee that the windows in the property did have vents and were all capable of being opened and were in a reasonable state of repair and in proper working order. The Committee accordingly found no breach of Section 13(1)(b) of the Repairing Standard.

12. Central Heating System

The former Tenant had alleged that the radiators in the bathroom and the bedroom were not functional. The new Tenant's parents confirmed that the central heating system was working and all the radiators were functional. The new Tenant's parents were able to show the Committee a copy of an up to date gas safety certificate. The Committee gave the Landlord time to provide the Committee with a copy of this for their records.

The Landlord provided the Committee with a copy of a satisfactory gas safety certificate for the property and accordingly the Committee did not require to make an Order in respect of this.

13. Gas Cooker

The former Tenant complained that the ignition switch on the cooker was not working. The cooker which is in place in the property at present is in full working order and the new Tenant's parents demonstrated that the ignition switch does work. It may well be that this cooker in any event belongs to the new Tenant rather than the Landlord.

14. Locks on the Front and Back Door

The former Tenant alleged that previous Tenants may still have a key for the property. The Committee has no information with regard to this matter. The parents of the new Tenant did not have any issue with the locks on the doors. It was clear from inspection that the locks were working and that the Tenant has a key that fits them. There is accordingly no breach of the Repairing Standard.

15. Rubbish in the Brick Storage Shed

The new Tenant's parents confirmed that all the rubbish had been removed from the shed by the new Tenant's brother in liaison with the Landlord. The Committee was accordingly satisfied that this was not an ongoing issue and there was no breach of the Repairing Standard.

16. Photographs showing the work carried out are shown in the attached Schedule.

17. The Committee noted that the Landlord had addressed most of the problems raised by the former Tenant. The Committee however had prior to the hearing directed that the Landlord produce a gas safety certificate and an electrical installation certificate or an electrical condition inspection report relating to the property. The new Tenant's parents showed the Committee an up to date gas safety certificate and the Landlord has now provided the Committee with a copy of this. The Committee also required an electrical condition inspection report to show that the electrics in the property are safe. The Electrical Installation Inspection Report produced highlighted the problems as set out in paragraph 9 and the Committee made an Order that the Landlord resolve the issues highlighted in this report.

18. Whilst not part of the application, the Committee would observe that the staircase in the property has no handrail on the bottom part which could be a safety issue. There is also currently a freezer in the hallway with a trailing flex which is also a health and safety issue. The Landlord may wish to give consideration to rectifying these two matters.

Decision

- 19. The Committee accordingly determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act.
- 20. The Committee proceeded to make a Repairing Standard Enforcement Order as required by Section 24(1) of the Act.
- 21. The Committee orders that the work specified in the Repairing Standard Enforcement Order must be carried out and completed within a period of six weeks from the date of service.
- 22. The Decision of the Committee was unanimous.

Right of Appeal

- 23. **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

- 24. 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.

J LEA

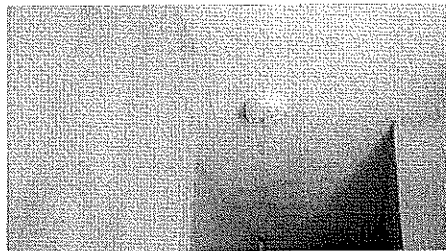
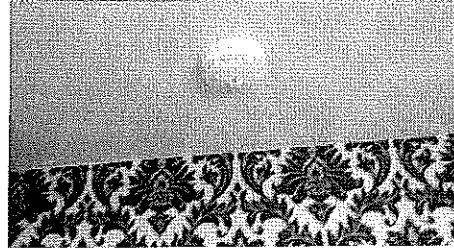
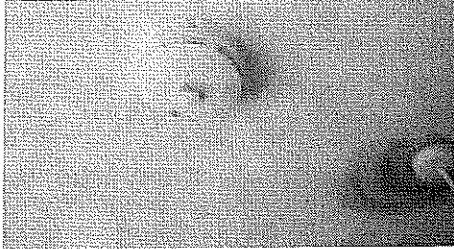
Signed
Chairperson

..... Date 26 August 2015

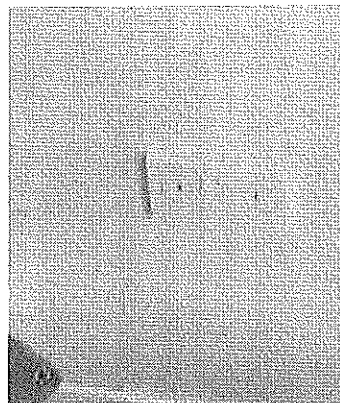
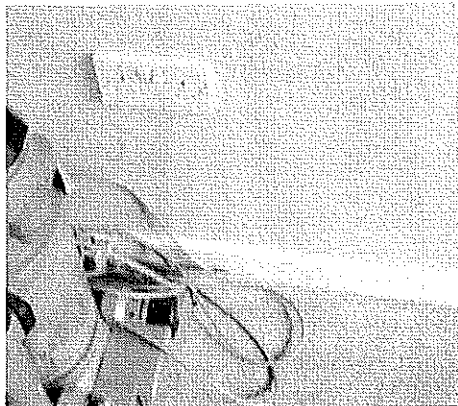
SCHEDULE
referred to in Decision relating to 23 Carfrae Drive, Glenrothes

Recent upgrades in electric installation:

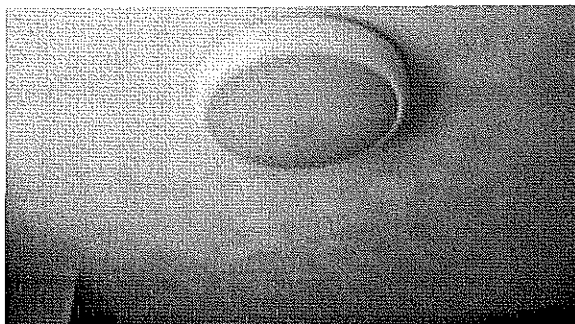
Smoke and heat alarms installed in accordance with guidance:



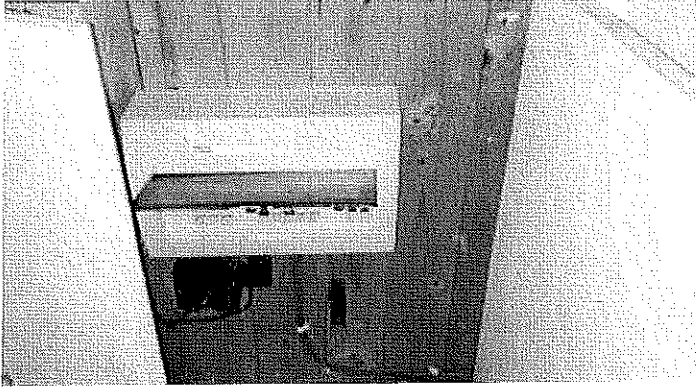
Electric sockets in bedrooms



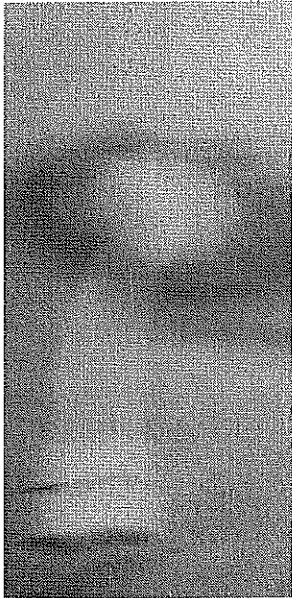
Bathroom light in sealed unit



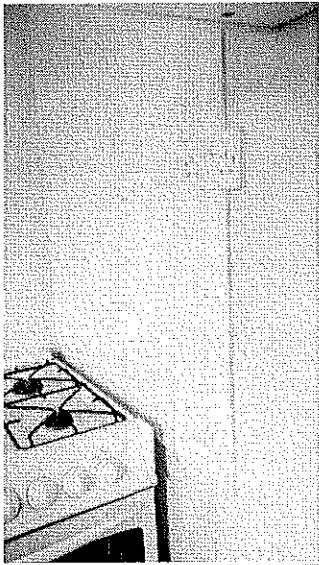
Consumer unit



Landing light



Electric socket in kitchen – no change:



J LEA