



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

PRHP/RP/15/0142

Title Number: MID90259

Re: The residential dwelling house at

**2/7 Lindsay Road
Edinburgh
EH6 4EP**

("the Property")

The Parties:-

Mrs Sara Cowan resident at the Property

("the Tenant")

and

**Mr Dalwinder Singh and Mr Gurmet Kaur Singh
74 Parkgrove Drive
Edinburgh
EH4 7QF**

("the Landlords")

The Committee comprised:

**Mr Ron Handley – Chairperson
Ms Susan Napier, Surveyor Member
Ms Sally Wainwright – Housing Member**

NOTICE TO THE LANDLORD

In terms of their decision dated 28 July 2015, the Private Rented Housing Committee ("the Committee") determined that the Landlords had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006.

The Committee now requires the Landlords to carry out such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Committee requires the Landlords to:

1. Repair or replace the window in the main bedroom (the bedroom with the en-suite facilities) to ensure that the window can open and close properly.
2. Repair the crack in the internal casing of the fridge unit (or replace the fridge) and replace the two freezer boxes in the freezer unit.

The Private Rented Housing Committee orders that the works specified in this Order must be carried out and completed within the period of 4 weeks from the date of service of this Notice.

A Landlord or a 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.

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.

In witness whereof this and the preceding page is subscribed by Ronald G Handley, Solicitor, Chairperson of the Committee at Glasgow on 28 July 2015 before this witness:-

Juliet Cecelia Grant-Hutchison

Witness

Ron Handley
Chairperson

JULIE CECELIA GRANT-HUTCHISON Name in full

12 QUEEN SQUARE Address of witness

GLASGOW G41 2AZ



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

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Ms Susan Napier, Surveyor Member
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The Committee's Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlords had complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the Property, and taking account of the evidence before it, unanimously determined that the Landlords had not complied with the duty imposed by Section 14(1)(b).

Background

1. On 30 April 2015 the Tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Act.
2. On 5 June 2015 the President of the PRHP referred the application to the Committee.

The Application

3. In her application the Tenant alleged that the Landlords had failed to comply with the duty to ensure that the Property met the Repairing Standard (as defined in the Act). It was submitted that:
 - the Landlords had failed to ensure that the Property was wind and water tight and, in all other respects, reasonably fit for human habitation;
 - some of the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water were not in a reasonable state of repair and not in proper working order;
 - some of the fixtures, fittings and appliances provided under the Tenancy Agreement were not in a reasonable state of repair or in proper working order.
4. In particular it was submitted that:
 - the bedroom window did not lock properly and the Tenant was unable to get fresh air into the room;
 - the bottom of the fridge had a deep crack in it, a freezer box was missing and the other freezer drawer was cracked and had sharp edges;
 - the cisterns in both WC's did not refill (with water) and had to be refilled manually.

The Evidence

5. The Committee had before it a bundle of documents which included Land Register documents, a copy of the Application Form and a Notice to Quit. The Committee took account of these documents.

The Inspection

6. The Committee inspected the Property at 10.00 hrs on 24 July 2015. Mrs Cowan and Ms Gail Dickson (her support worker) were present at the inspection. Mrs Cowan's son was also in the Property at the time of the

inspection. The Landlords did not attend the inspection and were not represented

The Hearing

7. A Hearing was arranged to take place after the inspection at 11.30 hrs in George House, 126 George Street, Edinburgh, EH2 4HH. The Committee noted that the Tenant had previously intimated that she would not be attending the Hearing and she confirmed this in the course of the inspection. The Landlords did not attend the Hearing venue and consequently the Hearing did not proceed.

Summary of the issues

8. The issue to be determined by the Committee was whether the Landlords had complied with the requirements of the Act to ensure that the Property met the Repairing Standard.

Findings

9. The Committee found the following facts to be established:
 - The Property is a three bedroomed flat located on the second floor at 2/7 Lindsay Road, Edinburgh, EH6 4EP.
 - The Tenant and the Landlords previously entered into a Tenancy Agreement that related to the Property.
 - The window in the main bedroom (the bedroom which has en-suite facilities) does not open and close properly and requires to be repaired or replaced.
 - The internal casing of the fridge unit has a crack in it and requires to be repaired or replaced. A drawer in the freezer unit is missing and the other freezer drawer is cracked and has sharp edges. The drawers in the freezer require to be replaced.
 - The cisterns in both WC's within the Property refill with water after use and are both in proper working order.

Reasons for the Decision

10. The Committee noted that tape had been placed around the window in the main bedroom (the bedroom which has the en-suite). On inspection it was clear that this window does not open or close properly and requires to be repaired or replaced.
11. In the course of the inspection the Tenant drew the attention of the Committee to the condition of the fridge/freezer. It was clear from the inspection that there was a crack in the casing of the fridge unit. Furthermore the Committee also noted that a freezer drawer was missing

and the other freezer drawer was cracked and had sharp edges. The freezer drawers require to be replaced.

12. In her Application Form the Tenant alleged that the cisterns in the WC's did not refill after flushing and that they had to be refilled manually. In the course of the inspection the Tenant accepted that works had been carried out to the cistern in the "main" WC. The Committee were able to Test this WC and found that the WC flushed properly and the cistern re-filled after use. Similarly the cistern in the en-suite WC flushed and the cistern refilled with water after use. The Committee concluded that both WC's were in a reasonable state of repair and in proper working order.
13. The Committee found that the Repairing Standard had not been met and the Committee proceeded to make a Repairing Standard Enforcement Order.
14. In the course of the inspection the Committee noted that two battery operated smoke alarms were fitted within the Property and it appeared that the battery was missing in one of them. This was not an issue which was raised by the Tenant in her application and consequently it is not a matter which the Committee had jurisdiction to determine. Nonetheless the Committee suggests that the Landlords give consideration to installing hard wired smoke detection and alarm equipment within the Property in accordance with the British Standard on the design of fire detection installations for dwellings (BS5839 Part 6) in conjunction with the Scottish Government's Technical Handbook 2013 Domestic under Section 2 -Fire, Sub-section 2.11.

Decision

15. The Committee determined that the Landlords had failed to comply with the duty imposed by section 14(1) (b) of the Act.
16. The decision of the Committee was unanimous.

Right of Appeal

17. A Landlord(s) or Tenant(s) aggrieved by the decision of a PRHP Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of section 63 of the Act

18. 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. 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 .. **Ron Handley** Date 28 July 2015
Chairperson