



## Repairing Standard Enforcement Order

### Ordered by the Private Rented Housing Committee

Re 7 Muirpark Drive, Bishopbriggs, G64 1RB being the subjects registered in the Land Register of Scotland under Title number GLA190885 ('the Property')

The Parties:-

Ms Catherine Bulloch residing in the Property ('The Tenant')

Nicola Hetherington c/o Core Property Management, Core Property House, 4 Claremont Place, Glasgow, G4 7YR ('The Landlord')

REF:PRHP/RP/15/0256

#### NOTICE TO The said Nicola Hetherington

Whereas in terms of their decision dated 27<sup>th</sup> January 2016, the Private Rented Housing Committee 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 the Landlord has failed to ensure that the Property was wind and water tight and in all other respects reasonably fit for human habitation and that the fixtures and fittings and appliances provided by the Landlord under the Tenancy are in a reasonable state of repair and 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 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 Private Rented Housing Committee requires the Landlord to:-

1. To exhibit a report from a damp specialist, who is a member of the Property Care Association, in respect of the dampness in the Property and carry out the works recommended by 30<sup>th</sup> April 2016.
2. To repair or replace the defective electrical sockets in the kitchen and bedroom and thereafter exhibit a compliant Electrical Installation Condition Report by 30<sup>th</sup> April 2016.
3. To repair or replace the defective fridge freezer by 30<sup>th</sup> April 2016.

**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 these presents are subscribed at Irvine on 27<sup>th</sup> January 2016 by Jacqueline Carol Taylor, chairperson of PRHP, 65, High Street, Irvine in the presence of the witness KEIRSTEN BYRNE, 65, High Street, Irvine.

J Taylor

Signed..... Date 27<sup>th</sup> January 2016

Chairperson  
K Byrne

..... witness: KEIRSTEN BYRNE, 65, High Street, Irvine



## Determination by Private Rented Housing Committee

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

Re 7 Muirpark Drive, Bishopbriggs, G64 1RB being the subjects registered in the Land Register of Scotland under Title Number GLA190885 ('the Property')

The Parties:-

Ms Catherine Bulloch residing in the Property ('The Tenant')

Nicola Hetherington c/o Core Property Management, Core Property House, 4 Claremont Place, Glasgow, G4 7YR ('The Landlord')

REF:PRHP/RP/15/0256

#### 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 Property, determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

#### Background

1. By application dated 2<sup>nd</sup> November 2015 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord has 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 she considered that the Landlord has failed to comply with her duty to ensure that the Property meets the repairing standard. She advised that the Property is not wind and watertight and in all other respects reasonably fit for human habitation; the structure and exterior of the Property (including drains, gutters and external pipes) are not in a reasonable state of repair and in proper working order and any fixtures, fittings and appliances provided by the Landlord under the tenancy are not in a reasonable state of repair and proper working order  
In particular the application stated:-
  - 2.1 Dampness throughout the Property
  - 2.2 Water is seeping through the roof and into the hall
  - 2.3 Ongoing problems with drains (Dyno Rod advised that the issue will persist unless major work is carried out).
  - 2.4 Cupboard doors are loose.
  - 2.5 A socket in the kitchen and another in the bedroom.
  - 2.6 A Tile in the bathroom.
  - 2.7 Fridge doesn't work properly.'
3. The Tenant's representative Walid Hassan of East Dumbartonshire CAB had notified the Landlord of the alleged defects by letter of notification dated 12<sup>th</sup> October 2015
4. The President of the Private Rented Housing Panel, having considered the application, referred the application under Section 22 (1) of the Act to a Private Rented Housing Committee.

5. The Committee members were Jacqui Taylor (Chairperson) and Sara Hesp (Surveyor Member).
6. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon the parties dated 4<sup>th</sup> December 2015.
7. The Tenant sent written representations date 18<sup>th</sup> December 2015.  
She advised:  
Dampness: All exterior walls and ceilings have been part bleached and part painted with weatherseal; the air vents in the walls have been scraped; a dehumidifier provided by the Landlord runs during the day in the living room; Landlord advised me to keep furniture away from walls and wash down the walls with bleach once a week. Despite this the damp problems persist.  
Roof: Roof patched up and now not leaking.  
Drains: Drains problems have been remedied successfully.  
Cupboard Doors: Still loose.  
Electrical sockets: Sockets in living room and bedroom are still loose. Socket in kitchen does not work.  
Bathroom Tile: Covered with sealant.  
Fridge: Landlord's fridge still not operational so I use my own.
8. The Landlord's agent Daniel Hughes of Core Property Management sent written representations dated 7<sup>th</sup> January 2016 which explained that remedial works had been carried out to the Property. A Periodic Property Inspection Report dated 14<sup>th</sup> December 2015 was also provided. The report advised, *inter alia*, that Dyno Rod had rectified the drains issue; the living room, kitchen and two bedrooms had been treated with anti damp paint and then painted over. A dehumidifier had been provided; the tiles in the bathroom had been re grouted and the ceiling had been painted over.
9. The Committee attended at the Property on 19<sup>th</sup> January 2016. The Property is a semi-detached 1930's bungalow. The accommodation comprises living room, two bedrooms, kitchen and bathroom.

The Tenant and her representative Raymond Heath of the Citizens Advice Bureau were present at the inspection. The Committee inspected the alleged defects and found as follows:-

#### *9.1 Dampness throughout the Property*

The surveyor member of the Committee tested the walls of the Property with a damp meter. The readings were in the red (indicating the presence of damp) in the following areas of the Property:

- The lower section of the external wall of the lounge, particularly in the corners.
- The lower section of the corner of the external wall of the front bedroom.
- The lower section of the external wall of the rear bedroom.
- The lower section of the external wall of the kitchen.
- The lower section of the external wall of the porch.

There was also some black mould in the bathroom, porch, kitchen and to the slats of the double bed in the rear bedroom.

#### *9.2 Water is seeping through the roof and into the hall*

The Tenant advised that the roof tiles had been repaired before Christmas and the roof had not leaked since.

#### *9.3 Ongoing problems with drains (Dyno Rod advised that the issue will persist unless major work is carried out.*

The Tenant confirmed that the drains had been repaired.

#### *9.4 Cupboard doors are loose.*

The Committee inspected the hinges of the kitchen units and noted that they were secure. The Tenant advised that they tend to work loose.

*9.5 A socket in the kitchen and another in the bedroom.*

The Tenant explained that plugs do not fit into one half of the double socket unit in the kitchen. Also the double socket in the front bedroom was not secure. The Tenant explained that her daughter had experienced an electric shock from the bedroom socket.

*9.6 A Tile in the bathroom.*

The tile beneath the window in the bathroom was cracked but had been recently repaired with sealant.

*9.7 Fridge doesn't work properly.*

The Tenant explained that the Landlord's contractor had recently inspected the fridge freezer. It gets too cold and produces too much but it is not worth repairing.

Photographs were taken during the inspection and are attached as a Schedule to this report.

10. Following the inspection of the Property the Private Rented Housing Committee held a hearing in the PRHP offices at Wellington House, Wellington Street, Glasgow, G2 2XL. The Tenant and her representative Raymond Heath of the Citizens Advice Bureau attended. The Landlord's representative Daniel Hughes of Core Property also attended the hearing. They advised as follows:

*10.1 Dampness throughout the Property.*

Daniel Hughes explained that remedial works had been carried out to the Property last December. The damp areas had been treated with anti damp paint and then painted with white emulsion paint. However he acknowledged that the dampness had crept back. He explained that there are five other properties in the street which have similar problems. He confirmed that he has not had a damp specialist inspect the Property. The Tenant explained that she has had problem with dampness in the Property since she moved into the Property in 2011.

*10.2 Water is seeping through the roof and into the hall.*

The Tenant confirmed that the roof had been satisfactorily repaired.

*10.3 Ongoing problems with drains (Dyno Rod advised that the issue will persist unless major work is carried out).*

The Tenant confirmed that the drains had been satisfactorily repaired.

*10.4 Cupboard doors are loose.*

The Tenant acknowledged that the kitchen doors were not loose at the inspection although the doors to the fridge freezer were out of alignment.

*10.5 A socket in the kitchen and another in the bedroom.*

Daniel Hughes confirmed that he would arrange for an electrician to look at the two defective sockets.

*10.6 A Tile in the bathroom.*

The Tenant explained that before the tile had been repaired with sealant you could see daylight through the crack in the tile.

*10.7 Fridge doesn't work properly.*

The Tenant acknowledged that she was using her own fridge freezer as the integrated fridge freezer provide by the Landlord did not work properly and had been written off by the Landlord's contractor.

## **11. Summary of the issues**

The Tenant had accepted that the roof, drains and bathroom tile had been repaired satisfactorily and the kitchen cupboard doors were not really defective at the inspection.

Thereafter the issues to be determined are:

11.1 The Property is not wind and watertight and in all other respects reasonably fit for human habitation (Section 13(1)(a) of The Housing (Scotland) Act 2006).

Whether the dampness in the Property results in the Property not being wind and water tight and in all other respects reasonably fit for human habitation.

11.2 That the fixtures, fittings and appliances provided by the Landlord under the tenancy were not in a reasonable state of repair and in proper working order (Section 13(1)(d) of The Housing (Scotland) Act 2006).

Whether the defective electrical sockets and the fridge freezer are in a reasonable state of repair and in proper working order.

## **12. Findings of fact**

The Committee determined that:

12.1 The Property is not wind and watertight and in all other respects reasonably fit for human habitation (Section 13(1)(a) of The Housing (Scotland) Act 2006).

That the dampness in the Property results in the Property not being water tight and in all other respects reasonably fit for human habitation.

12.2 That the fixtures, fittings and appliances provided by the Landlords under the tenancy were not in a reasonable state of repair and in proper working order (Section 13(1)(d) of The Housing (Scotland) Act 2006).

That the defective sockets in the kitchen and the front bedroom and also the fridge freezer are not in a reasonable state of repair and in proper working order.

## **13. Decision**

The Committee accordingly determined that the Landlord has failed to comply with the duties imposed by Section 14(1)(b), of the Act, as stated.

The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1).

14. The decision of the Committee was unanimous.

## **Right of Appeal**

**15. 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**

16. 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 Taylor

Signed ..... Date 27th January 2016  
Chairperson



27/1/16  
J Taylor

Schedule of photographs taken during the inspection of 7 Muirpark Drive,  
Bishopbriggs, Glasgow G64 1RB on 19 January 2016



Front elevation



Rear elevation

### Interior



Living room – dehumidifier



Bedroom – damp meter reading





Schedule of photographs taken during the inspection of 7 Muirpark Drive,  
Bishopbriggs, Glasgow G64 1RB on 19 January 2016



Living room - Damp meter reading



Kitchen - Fridge freezer housing



Kitchen - Fridge freezer



Kitchen - Double socket





Schedule of photographs taken during the inspection of 7 Muirpark Drive,  
Bishopbriggs, Glasgow G64 1RB on 19 January 2016



Bedroom - double socket



Bathroom – broken tile

### Exterior



Front bay



Rear corner



Schedule of photographs taken during the inspection of 7 Muirpark Drive,  
Bishopbriggs, Glasgow G64 1RB on 19 January 2016



Front elevation