



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/16/0083

Re: Property at 7A Tanfield Walk, Aberdeen, AB24 4AN

Sasine Description: ALL and WHOLE the Eastmost flat on first floor of Tenement 5, 7 and 7A Tanfield Walk described in Disposition to William Williamson Clark recorded GRS (Aberdeen) 31 January 1951

The Parties:-

Mr GEORGE WATT, 7A Tanfield Walk, Aberdeen, AB24 4AN (“the Tenant”)

MR STANLEY YOUNGSON 17 Prospect Terrace, Aberdeen, AB11 7TD (“the Landlord”)

NOTICE TO MR STANLEY YOUNGSON (“the Landlord”)

Whereas in terms of its decision dated 16 May 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 that the Landlord has failed to ensure that:-

- a. 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.
- b. The House has satisfactory provision for detecting fires and giving warning in the event of fire or suspected fire.;

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 work in terms of this Order is made good.

In particular the Private Rented Housing Committee requires the landlord:-

- a. To repair the hot water system to ensure that it is in a reasonable state of repair and in proper working order to include the replacement of the hot water tank, the electric immersion heater, the cold water tank and associated plumbing as necessary.
- b. To repair or replace the cistern and the pipework adjacent to the toilet to ensure that it is in a reasonable state or repair and in proper working order.
- c. To install sufficient smoke alarms and heat detectors that are mains wired and interlinked and otherwise comply with the requirements of the relevant fire legislation and to produce a clear Electrical Installation Condition Report from a suitably qualified electrician confirming that the smoke alarms and heat detectors within the property are in proper working order and comply with the relevant regulations with no items marked as Category 1 or Category 2. The Landlord is to exhibit such clear Electrical Installation Condition Report to the Committee.

The Private Rented Housing Committee order that the works specified in this Order must be carried out and completed within the period of 28 days 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/

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 typewritten on this and the preceding page are executed by Gillian Coutts Buchanan, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 16 May 2016 before this witness:-

Jennifer Lynch

witness:

Gillian Buchanan

Chairman

Ms Jennifer Lynch
Secretary
Thorntons Law LLP
Whitehall House
33 Yeaman Shore
Dundee DD1 4BJ



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

prhp Ref: PRHP/RP/16/0083

Re : Property at 7A Tanfield Walk, Aberdeen, AB24 4AN ("the Property")

The Parties:-

Mr George Watt, 7A Tanfield Walk, Aberdeen, AB24 4AN (represented by his agent, Mr Hamish Mackenzie, Shelter Scotland, Aberdeen Hub, 36 Upperkirkgate, Aberdeen, AB10 1BA) ("the Tenant")

Mr Stanley Youngson, 17 Prospect Terrace, Aberdeen, AB11 7TD ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the duty imposed by Section 14(1)(b) in relation to the house concerned, and taking account of the evidence led on behalf of the Tenant and by the Landlord at the hearing determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act. The committee therefore issues a Repairing Standard Enforcement Order.

Background

1. By application received on 25 February 2016 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 his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:-
 - (a) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in reasonable state of repair and in proper working order.
 - (b) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
3. By letter dated 14 March 2016 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 Landlords and the Tenant.
5. Following service of the Notice of Referral the Tenant made no further written representations to the Committee other than his original application received on 25 February 2016. The Landlord made no further representations to the Committee.
6. The Private Rented Housing Committee (comprising Miss G. Buchanan, Chairperson and Legal Member, and Mr D. Godfrey, Surveyor Member) inspected the Property on the morning of 12 May 2016. Photographs were taken and a Schedule of Photographs is attached. The Tenant and the Landlord were present during the inspection. The Tenant

- d. That the installations in the Property for heating water are not in working order as a result of which the Property has no hot water.
- e. That the pipework adjacent to the toilet leaks as a result of which the toilet is not in proper working order and is in need of repair.
- f. That there is inadequate provision for detecting fires and for giving warning in the event of fire or suspected fire in that there is no heat detector in the kitchen and the sole smoke alarm is battery operated.

Reasons for the decision

12. The Property is situated on the first floor of a tenement of flats and comprises a small hallway, kitchen, bathroom and living room.

At the time of the inspection it was dry and sunny. The Tenant was supported by his social worker, Miss Mandy Reid, and was represented by Mr Hamish Mackenzie of Shelter Scotland.

In the kitchen the Committee noted the cold water tank to be empty. The Tenant explained that the shelf in the kitchen cupboard on which the cold water tank was located was insufficient to support its weight as a consequence of which water had been pouring down the back of the cupboard causing damage. The Tenant had emptied the tank as a result. The Tenant had for some time had no hot water and the Landlord accepted that to be the case.

In the bathroom the Committee noted the pipework adjacent to the toilet to be leaking. The Tenant kept the valve turned off to prevent the water leaking with the result he could not use the toilet properly as the cistern would not fill.

The Committee noted there to be no heat detector in the kitchen and only one battery operated smoke detector in the living room.

Whilst the Landlord explained his position that the Tenant had previously agreed to undertake his own repairs, there was no tenancy agreement or any other documentation produced to the Committee to enable it to reach the conclusion that the Landlord did not have responsibility for ensuring the Property meets the repairing standard at all times during the tenancy.

The Committee considered how long was required for the necessary works to be undertaken and concluded that 28 days would be sufficient.

Decision

- 13. The Committee accordingly determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act.
- 14. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1).
- 15. The Committee proceeded to serve notice upon Aberdeen City Council as required by section 24(6).
- 16. The decision of the Committee was unanimous.

Right of Appeal

- 17. **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.**



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7A TANFIELD WALK, ABERDEEN AB24 4AN

12TH MAY 2016

Front elevation



Hot water tank/Electric Immersion Heater



Cold water tank



Leaking cistern/pipe work adjacent to W.C.



Toilet cistern



Hall smoke detector



David Godfrey MRICS

12th May 2016