



## **Repairing Standard Enforcement Order**

### **Ordered by the Private Rented Housing Committee**

**Ref: PRHP/PA4/176/11**

**Re: Property at Flat D, 202 Paisley Road, Renfrew PA4 8DS ("the Property")**

**Title Number: REN73726**

#### **The Parties:-**

**MR ABDUL GHAFAR, residing at 240 Aitkenhead Road, Glasgow G42 0QL ("the Landlord")**

#### **NOTICE TO MR ABDUL GHAFAR, residing at 240 Aitkenhead Road, Glasgow G42 0QL**

Whereas in terms of their decision dated 8<sup>th</sup> June 2012 the Private Rented Housing Committee determined that the Landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 and in particular that the Landlord had failed to ensure that:-

- (a) The house is wind and watertight and in all other respects fit for human habitation (Section 13 (1) (a).
- (b) 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 (Section 13 (1) (c).
- (c) The fittings, fixtures and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order (Section 13 (1) (d).

The Private Rented Housing Committee now requires the Landlord to carry out such work as are 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 to carry out such works as are necessary to:-

- (a) Provide an up to date report from a qualified roofer on the condition of the roof and gutters relating to the property and carry out any repairs identified in that report to ensure the property is wind and watertight and make good any damage caused by the water ingress and associated remedial works.

- (b) Provide an up to date report on the state of repair and working order of the central heating boiler and hot water system from a suitably qualified heating engineer and carry out any repairs identified in that report to ensure the boiler is in a safe and proper working order and in a reasonable state of repair.
- (c) carry out such works as are necessary to repair the gas hob in the kitchen of the property so that it is in a reasonable state of repair and in proper working order.

The Private Rented Housing Committee order that the works specified in this Order must be carried out within the period of 8 weeks from the date 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.

Signed ..... **A Cowan** ..... Date: 8<sup>th</sup> June 2012  
Chairperson

..... **C Millar** ..... Witness

Carol Anne Millar

7 West George Street, Glasgow G2 1BA



## 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

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Re: Property at Flat D, 202 Paisley Road, Renfrew PA4 8DS ("the Property")

Title Number: REN73726

#### The Parties:-

MR ABDUL GHAFAR, residing at 240 Aitkenhead Road, Glasgow G42 0QL ("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) of the Housing (Scotland) Act 2006 ("the Act") in relation to the property concerned, 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 11<sup>th</sup> October 2011 Miss Susan Brown (who was formerly the tenant of the property) 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.
- 2 The application by the tenant stated the tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the Repairing Standard and the tenant brought forward the following alleged breaches:-
  - (a) The guttering needs repaired.
  - (b) The roof needs attention.
  - (c) The ceilings need repainted and plastered.
  - (d) The boiler requires to be inspected.
  - (e) The hob does not work correctly.

In her application the tenant stated that the house was not wind and watertight and that the heating within the property was not working. She further stated there was no hot water available from the boiler and the hob unit in the kitchen was not working correctly.

3 The Private Rented Housing Committee served Notice of Referral dated 7<sup>th</sup> December 2011 under Section 22(1) of the Housing Scotland Act 2006 on both the Landlord and Miss Brown, the former tenant.

4 On 1<sup>st</sup> December 2011 the Private Rented Housing Committee issued a Notice of Direction on the Landlord which required the Landlord to provide:-

(1) An up to date report from a qualified roofer on the condition of the roof and gutters relating to the house, and

(2) An up to date report on the state of repair and working order of the central heating boiler and hot water system, from a suitably qualified heating engineer.

The Committee required the reports to be lodged with the Committee by midday on 20<sup>th</sup> December 2011. The Landlord failed to comply with this Notice of Direction.

5 On or around 1<sup>st</sup> December 2011 the former tenant Miss Susan Brown telephoned the offices of the Private Rented Housing Panel and advised that she was leaving the property and terminating the tenancy.

6 By letter dated 24<sup>th</sup> January 2012 the Private Rented Housing Committee advised the Landlord that the Private Rented Housing Committee intended to inspect the property on 12<sup>th</sup> March 2012 at 10.00am and advised the Landlord that he should ensure that access was available to the Committee for the purpose of carrying out the inspection. That letter further confirmed that a hearing had been arranged in relation to the application, which hearing would be held in the offices of the Private Rented Housing Panel at Europa Building, 450 Argyle Street, Glasgow G2 8LH. Said letter and the Notice of Referral were served personally upon the Landlord by Sheriff Officers on 26<sup>th</sup> January 2012.

7 On 12<sup>th</sup> March 2012 the Private Rented Housing Committee attended at the property for the purposes of the inspection. The Landlord and no other party were present and the Committee were unable to gain access to the property for the purposes of the inspection. On the same day the Committee held a hearing as previously intimated to the Landlord at the offices of the Private Rented Housing Panel at Europa Building, 450 Argyle Street, Glasgow G2 8LH. The Landlord failed to attend the hearing.

At that time the Committee determined:-

(a) That the tenancy of the house had been lawfully terminated (the Committee having received confirmation of this from the Tenant).

(b) The Tenant is to be treated as having withdrawn the application under Section 22 of the Act.

(c) That the Private Rented Housing Committee considered that the application should continue to be determined given the nature of the allegations made by the Tenant, which if substantiated as likely to raise health and safety issues for occupants, all in terms of Schedule 2 Para. 7 (3) of the Act.

The Committee further determined that they would apply to the court for a warrant in terms of Section 182 (1) of the Act authorising the Private Rented Housing Committee to enter upon the premises and to do so if necessary using reasonable force for the purposes of enabling or assisting the Private Rented Housing Committee to determine the application.

8 On 29<sup>th</sup> March 2012 Michael James O'Sullivan, Justice of the Peace, from the Sheriffdom of North Strathclyde at Paisley granted a warrant in favour of the Private Rented Housing

Committee authorising the Committee to enter upon the property and to do so if necessary using reasonable force for the purposes of enabling or assisting the Private Rented Housing Committee to determine the application.

- 9 On 23<sup>rd</sup> April 2012 the Private Rented Housing Committee served, through Sheriff Officers, a Notice of Required Entry to the property upon the Landlord. Said Notice confirmed to the landlord that the Committee had a warrant now held on 14<sup>th</sup> May 2012 and would enter the house using reasonable force.
- 10 On 14<sup>th</sup> May 2012 the Committee attended at the property. At this time Sheriff Officers were present and the Committee were prepared to force entry to the property. The Landlord attended at the property and allowed the Committee access to the property. In all the circumstances therefore it was not necessary for the Committee to enforce the warrant which had been granted in relation to this application.

### **Description**

- 11 The property comprises a 5 apartment first floor flat located in a two storey 8 in a block tenement, constructed around the 1930's. It is constructed of red sandstone, brick/roughcast to rear elevation and gable with a pitched and hipped slated roof. The property is situated fronting the main A741 in a mixed residential and commercial location on the west side of Paisley Road about 9 miles west of Glasgow city centre.

### **The Inspection**

- 12 At the inspection on 14<sup>th</sup> May 2012 the Committee noted the following points:-
  - (a) The Committee noted that there was extensive evidence of water penetration and dampness in the living room and kitchen of the property, together with the small bedroom situated closest to the entrance door of the property. There was extensive evidence of water ingress into each of these rooms. There was evidence of damp staining on the ceilings and the walls and damage to plasterwork and decor. The Committee noted that in the living room there was a pool of water which had collected on the floor. The Committee further noted the damp meter recorded there were some high levels of damp in certain areas of the kitchen and the pantry which adjoined the kitchen.
  - (b) The Committee carried out an external examination of the roof of the property. The examination was carried out from ground floor level. From that distance the Committee observed that the chimney directly above the property appeared to be in a state of disrepair with broken rendering and there were loose slates. The gutters were blocked with vegetation, severely corroded and sections appeared to be loose or disconnected.
  - (c) The Committee were not able to test the central heating or the gas hob at the property as the gas supply to the property had been disconnected.

### **The Hearing**

- 13 The Landlord indicated at the time of the inspection that he did not plan to attend the hearing in connection with the on-going application to the Private Rented Housing Committee.

### **Decision**

- 14 Having inspected the property and having considered the terms of the tenant's application:-

- (a) The Committee were satisfied that there was extensive evidence of water ingress and dampness in the kitchen (including the pantry), the living room and the small bedroom situated closest to the entrance door of the property. The Committee were satisfied from their own observations that there was evidence of on-going sources of water leaks from the roof into the property. The Committee accepted that the property did not meet the Repairing Standard in this respect as the property is not wind and watertight.

In reaching their decision the Committee noted that the Landlord had failed to comply with the previous direction of the Committee to supply a report from a qualified roofer on the condition of the roof and gutters relating to the house.

- (b) The Committee could not be satisfied that the central heating and gas hob within the property were in proper working order. The Landlord had failed to obtain a report on the state of repair and working order of the central system boiler and hot water system as he was required to do in terms of the Notice of Direction issued by the Committee on 1<sup>st</sup> December 2011.
- 15 The Committee accordingly determined the landlord had failed to comply with the duties imposed by Section 14 (1) (b) of the Act.
- 16 The Committee proceeded to make a Repairing Standard Enforcement Order as required by Section 24 (1) (2) of the Act.
- 17 The decision of the Committee was unanimous.

#### Right of Appeal

- 18 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

- 19 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 **A Cowan** Date: 8<sup>th</sup> June 2012  
Chairperson

**C Millar**  
.....Witness

Carol Anne Millar

7 West George Street, Glasgow G2 1BA