



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Ref: PRHP/PA3/176/12

Re: Property at 32 Caledonia Court, Paisley, PA3 2LL being the subjects registered in the Land Register of Scotland under Title Number REN88164 ("the Property")

The Parties:-

Mr Barry Aird & Miss Jennifer Russell residing together as joint tenants in the flat situated at and known as 32 Caledonia Court, Paisley, PA3 2LL ("the tenants")

Mr Michael McGoldrick & Mrs Jennifer McGoldrick, the joint owners per their agents, Castle Residential Scotland Limited, having their place of business at 63 Causeyside Street, Paisley PA1 1YT ("the Landlord")

NOTICE TO Michael McGoldrick & Mrs Jennifer McGoldrick, per their agents Castle Residential, 63 Causeyside Street, Paisley PA1 1YT

Whereas in terms of their decision dated 14 December 2012, 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 had failed to ensure that:-

1. The property is wind and watertight and in all other respects fit for human habitation, (Section 13(1)(a) of the Act); and
2. The structure and exterior of the house are in a reasonable state of repair and in proper working order, (Section 13(1)(b) of the Act).

The Private Rented Housing Committee now requires the Landlord to carry out such works 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 take such action as is necessary to repair the windows in the bathroom and the main bedroom of the property so that they are in a reasonable state of repair and in proper working order and so that the property was in all respects wind and water tight

The Private Rented Housing Committee order that the works specified in this Order must be carried out by not later than 25 January 2013.

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.

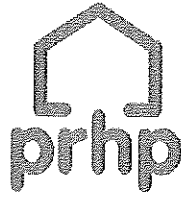
A Cowan

Signed Date 17/12/12
Chairperson

L McManus

..... Witness

Laura McManus, Secretary, TC Young
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

Ref: PRHP/PA3/176/12

Re: Property at 32 Caledonia Court, Paisley, PA3 2LL being the subjects registered in the Land Register of Scotland under Title Number REN88164 ("the Property")

The Parties:-

Mr Barry Aird & Miss Jennifer Russell residing together as joint tenants in the flat situated at and known as 32 Caledonia Court, Paisley, PA3 2LL ("the tenants")

Mr Michael McGoldrick & Mrs Jennifer McGoldrick, the joint owners per their agents, Castle Residential Scotland Limited, having a place of business at 63 Causeyside Street, Paisley PA1 1YT ("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, and taking account of the evidence led in writing, determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing Scotland Act 2006 ("the Act").

Background

1. By application dated 25 September 2012, the tenants 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 Private Rented Housing Committee served a Notice of Referral dated 19 October 2012 on the parties. The said Notice of Referral confirmed that the tenants' application had been reserved by the President of the Private Rented Housing Panel to the private Rented Housing Committee for Determination.
3. By letter dated 21 November 2012, the Private Rented Housing Committee intimated to the parties that the Private Rented Housing Committee intended to inspect the property and to thereafter hold a Hearing in respect of the tenants' application on 12 December 2012.

4. Prior to the date of the inspection in respect of the application, the Landlord intimated to the Private Rented Housing Committee that certain works had been completed at the property. The tenant subsequently confirmed that certain works had now been completed by the Landlord.
5. As at the date of the inspection, the only outstanding issues which the tenant had raised in his original application and which the tenants maintained had not been addressed by the Landlord were: -
 - (a) the bathroom window is insecure and comes off at the top hinge when opened; and
 - (b) the main bedroom window does not lock at the bottom and allowed wind and rain to enter the property.
6. The Committee proceeded with the inspection on the 12 December 2012. Mr Barry Aird, being one of the joint tenants, was present at the inspection. The Landlord was not present at the inspection of the property.
7. At the time of the inspection, the Committee noted that:-
 - (a) the window in the bathroom was not capable of being operated in a safe and secure manner. It was not in a reasonable state of repair. It appeared to the Committee that the hinge operating the window was defective. The window is not wind and water tight.
 - (b) the window in the main bedroom was not in a reasonable state of repair or in proper working order. The window was not wind and water tight. The Committee noted that the window did not open or close properly. The mechanics for opening the window were defective.
8. Both the Landlord and the tenants had been advised of the Committee's intention to hold a Hearing in relation to the application on 12 December 2012 at the offices of the Private Rented Housing Panel. Neither the tenants nor the Landlords appeared at the Hearing.

Decision

9. The Committee determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act. The Committee determined that as a consequence of the condition of the windows in the bathroom and the bedroom at the property, the property was not wind and watertight as required by Section 13(1)(a) of the Act. The Committee further determined that the structure and exterior of the property (and, in particular the bathroom and bedroom windows) were not in a reasonable state of repair and in proper working order as required by Section 13(1)(b) of the Act.
10. The Committee proceeded to make a repairing Standard Enforcement Order as required by Section 24(1) of the Act. In particular the Committee considered it appropriate to order the Landlord to carry out such works as were necessary to repair the windows in the bathroom and the main bedroom of the property so that they were in a reasonable state of repair and in proper working order and so that the property was in all respects wind and water tight.
11. The decision of the Committee was unanimous.

Right of Appeal

12. 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

13. 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.

A Cowan

Signed Date 17/12/12
Chairperson ANDREW COWAN

L McManus

.....Witness

Laura McManus, Secretary, TC Young
7 West George Street, Glasgow G2 1BA

