



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Ref: PRHP/G42/191/12

Re: Property at Flat 2/2, 180 Prospecthill Road, Mount Florida, Glasgow, G42 9LH

Title Number: GLA57069

Mr Shahid Hanif residing at Flat 1/2, 107 Albert Road, Glasgow, G42 8DP ("the Landlord")

NOTICE TO MR SHAHID HANIF, residing at Flat 1/2, 107 Albert Road, Glasgow, G42 8DP

Whereas in terms of their decision dated 7 March 2013 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 structure and exterior of the house (including the drains, gutters and external pipes) are in a reasonable state of repair and in proper working order (Section 13 (1) (b); and
- (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).

The Private Housing Committee now requires the Landlord to:

- (a) Carry out such works as are necessary to the windows in the living room of the property and in the kitchen of the property so that the windows can be operated properly and so that they are in a reasonable state of repair and in proper working order;
- (b) Carry out such works as are necessary to ensure that the central heating system is in a reasonable state of repair and in proper working order and, in particular, to ensure that all radiators within the property are 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 6 weeks from the date of this notice.

The Private Rented Housing Committee further orders that any damage caused by the carrying out of the works required in pursuit of this Notice are made good by the Landlord.

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: 14 March 2013
Chairperson

L McManus

.....Witness

Laura McManus, Secretary
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/G42/191/12

Re: Property at Flat 2/2, 180 Prospecthill Road, Mount Florida, Glasgow, G42 9LH

Title Number: GLA57069

Mr Shahid Hanif residing at Flat 1/2, 107 Albert Road, Glasgow, G42 8DP ("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 15th October 2012, Mrs Lily Black (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 Act.
- 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 windows in the living room in the property were not capable of operation as they were sealed shut;
 - (b) The windows in the bedroom and the living room were leaking and allowing water ingress into the property;
 - (c) The window in the kitchen could not be secured properly and would blow open in the wind.
 - (d) Radiators in the property were not operating properly;
 - (e) There was no working smoke alarm within the property;
 - (f) The toilet within the property was leaking;
 - (g) There was no carbon monoxide detector within the property.

The tenant stated she did not consider the house to be wind and watertight.

- 3 The Private Rented Housing Committee served Notice of Referral dated 4th December 2012 under Section 22(1) of the Housing Scotland Act 2006 on both the Landlord and Mrs Black, the former tenant.
- 4 In December 2012, the former tenant, Mrs Black, visited the offices of the Private Rented Housing Panel and advised she was leaving the property and terminating the tenancy.
- 5 On 24 January 2013, the Private Rented Housing Committee issued a Minute of Continuation to a Determination being a decision under Schedule 2 Paragraph 7 (3) of the Act. The Minute of Continuation confirmed that the Private Rented Housing Committee had considered the application and whether it should be determined or whether it should be abandoned following the termination of the tenancy by the tenant. That Minute of Continuation confirmed that the Committee decided to determine the application notwithstanding the fact the tenancy had been terminated.
- 6 By letter dated 15 February 2013, the Private Rented Housing Committee advised the Landlord that the Private Rented Housing Committee intended to inspect the property on 7 March 2013 at 10am. 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.
- 7 On 7 March 2013, the Private Rented Housing Committee attended at the property for the purposes of the inspection. The Landlord was present at the time of the inspection and gave the Committee full access to the property.

The Inspection

- 8 At the inspection on 7 March 2013, the Committee noted the following points:-
 - (a) The Committee inspected all of the windows within the property. The Committee noted that the sealant between the frame and the adjoining masonry around a number of the windows had failed. Notwithstanding this, at the time of the inspection, the Committee could find no evidence of water ingress into the property.

The Committee did note, however, that in the living room of the property two of the window opening casements had been sealed shut and were not capable of operation. The Committee further noted that the kitchen window was not capable of being permanently closed in a secure manner.
 - (b) The Landlord started the Central Heating System whilst the Committee were in attendance at the property. The Committee noted that whilst some of the radiators in the property appeared to heat in a normal manner, other radiators were not operational and no heat was produced from them.
 - (c) The Committee noted that there was a working smoke alarm within the property.
 - (d) The Committee could find no evidence of a leak at or around the toilet within the property.

The Hearing

- 9 The Landlord indicated at the time of the inspection he did not plan to attend the hearing in connection with the on-going application to the Private Rented Housing Committee. The Landlord did not subsequently appear at the Hearing which had been fixed for 11am on 7 March 2013.

Decision

- 10 Having inspected the property and having considered the terms of the tenant's application:-
- (a) The Committee were satisfied that those windows in the living room of the property which had been sealed shut could not be considered to be in a reasonable state of repair or in proper working order. The Committee further determined that the window within the kitchen of the property could not be properly operated or secured and was accordingly not in a reasonable state of repair or in proper working order.
 - (b) The Committee were satisfied that there was a working smoke alarm within the property.
 - (c) From their own observations, the Committee were satisfied that certain of the radiators within the property were not operational and installations within the property for space heating were not in a reasonable state of repair or in proper working order.
 - (d) The Committee could not be satisfied that there was any evidence of leaking in or around the toilet within the property.
 - (e) The Committee noted the tenant complained there was no carbon monoxide detector within the property. No such detector was within the property but the Committee were not satisfied that was a duty upon the Landlord to provide such a device and, accordingly, there was no failure of the repairing standard in this respect.
- 11 The Committee accordingly determined the landlord had failed to comply with the duties imposed by Section 14 (1) (b) of the Act.
- 12 The Committee proceeded to make a Repairing Standard Enforcement Order as required by Section 24 (1) (2) of the Act.
- 13 The decision of the Committee was unanimous.

Right of Appeal

- 14 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

- 15 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: 7 March 2013
Chairperson

L McManus

.....Witness

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