



**Repairing Standard Enforcement Order**  
**Ordered by the Private Rented Housing Committee**

**prhp Ref: PRHP/AB10/203/12**

**Re: Property at 1a Crimon Place, Aberdeen, AB10 1RY ("the Property")**

**Title No: ABN85857**

**The Parties:-**

**MR MOHAMMED ABBUL MOSOBBIR residing at 122 Great Northern Road, Aberdeen ("the Landlord")**

**LEON MAGUREAN residing at 1a Crimon Place, Aberdeen, AB10 1RY ("the Tenant")**

**NOTICE TO MOHAMMED ABBUL MOSOBBIR ("the Landlord")**

Whereas in terms of their decision dated 16 January 2013, 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 the property is:-

- (a) The Property is wind and watertight and in all other respects reasonably fit for human habitation; and
- (b) The installations in the Property 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.

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 produce an updated gas safety certificate confirming that the recent installation of a replacement gas boiler and flue at the Property meets the relevant gas safety regulations; and
- (b) To carry out such works of redecoration around the second bedroom window as are appropriate to comply with the repairing standard.

The Private Rented Housing Committee order that the works specified in this Order must be carried out and completed within the period of one month 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 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 type written on this and the preceding page are executed by Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 16 January 2013 before this witness:-

**L Johnston**

\_\_\_\_\_ witness

in Presence

**E Miller**

\_\_\_\_\_ Chairman

Lindsay Johnston  
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/AB10/203/12

Re: Property at 1a Crimon Place, Aberdeen, AB10 1RY ("the Property")

### The Parties:-

LEON MAGUREAN residing at 1a Crimon Place, Aberdeen, AB10 1RY ("the Tenant")

MR MOHAMMED ABBUL MOSOBBIR residing at 122 Great Northern Road, Aberdeen ("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) in relation to the house concerned, and taking account of the evidence led by both the Landlord and the Tenant, determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

### Background

1. By application dated 29 October 2012 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 Property is wind and watertight and in all other respects reasonably fit for human habitation; and
  - (b) The installations in the Property 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.
3. By letter dated 6 November 2012 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 Landlord and the Tenant.
5. Following service of the Notice of Referral the Tenant made no further written representation to the Committee other than his original application. The Landlord, by letter dated 19 November 2012 made written representations to the Committee.
6. The Private Rented Housing Committee (comprising Mr E K Miller, Chairman and Legal Member and Mr C Hepburn, Surveyor Member, accompanied by the Clerk, Mr D Barclay) inspected the Property on the morning of 9 January 2012. The Tenant was present, as was the Landlord. Neither party were represented.

7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at The Credo Centre, John Street, Aberdeen and heard from the Landlord. The Landlord was present but not represented. The Tenant was not present nor represented.
8. The Tenant submitted that he had become frustrated at the lack of progress in relation to some repairs with the Landlord. However, he had become aware that the Landlord had been out of the country for part of this time. The Landlord had now carried out a replacement of the boiler and installed a new flue. He had also carried out some works in relation to the leak in the second bedroom and this now appeared to be effective. The Tenant noted that some repair works were still required in relation to the second bedroom but otherwise was now satisfied that matters were in hand.
9. The Landlord submitted that he had had a number of issues with this flat. The Landlord had provided documentation in his written submission showing that he had been trying to address the matter through insurance companies, NHBC and the solicitors for the upstairs flat. The Landlord submitted that in the end he had had to install a new boiler and flue to address the issue identified in the gas safety certificate. He had also had further works carried out in relation to the leak, which now appeared to have stopped. The Landlord accepted that he required to still carry out some redecoration works caused by the leak.

#### **Summary of the issues**

10. The issues to be determined were:-
  - (1) Whether the issue of the faulty flue identified in the gas safety certificate dated 11 October 2012 had now been rectified and now met the repairing standard; and
  - (2) Whether the leak to the second bedroom had now been rectified and the repairing standard was now being met.

#### **Findings of fact**

11. The Committee found the following facts to be established:-
  - The boiler and flue at the Property had been replaced and appeared to meet the repairing standard. An updated gas safety certificate would be required confirming this however.
  - The leak at the second bedroom window appeared to have been addressed. Damage had been caused by the ingress of water and redecoration works would be required to bring this area up to the repairing standard.

#### **Reasons for the decision**

12. The Committee based its decision primarily on the evidence obtained during the course of the inspection. The Committee had noted the terms of the gas safety certificate which highlighted that the flue from the gas boiler had not been installed correctly. A visual inspection indicated that the boiler had been replaced and a new flue installed to the side of the Property. The works appeared to have been carried out to an appropriate standard but a gas safety certificate would be required to be produced confirming that the new boiler and flue had been installed correctly.

In relation to the leak it was apparent that further pointing works had been carried out outside which should address the issue. It was clear that water ingress had occurred and but this now appeared to be drying out. Redecoration works would require to take place around the window in the second bedroom to bring the area back up to the repairing standard.

The Committee discussed with the Landlord how long he felt was an appropriate timescale to carry out these two items. The Landlord indicated that one month would be sufficient. The Committee were satisfied that this was an appropriate length of time.

**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 decision of the Committee was unanimous.

**Right of Appeal**

- 16. 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**

- 17. 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 ..... **E Miller** ..... Date ..... 16/1/13 .....  
Chairperson