



## **Repairing Standard Enforcement Order**

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

**Ref: PRHP/G3/215/11**

**Re: Property at Flat 2/2, 293 St George Road, Glasgow G3 6JQ ("the Property")**

**TITLE NUMBER GLA137928**

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

**MR JOHN CUNNINGHAM and MR CHRISTOPHER MCARTHUR, residing together as joint tenants at Flat 2/2, 293 St Georges Road, Glasgow G3 6JQ ("the Tenants")**

**P & T ESTATES LTD (In Liquidation), having their registered office at 90 Mitchell Street, Glasgow, per their agents Easy Let, 789 Shettleston Road, Glasgow G32 7NN ("the Landlord")**

**NOTICE TO P & T ESTATES LTD (In Liquidation), having their registered office at 90 Mitchell Street, Glasgow, per their agents Easy Let, 789 Shettleston Road, Glasgow G32 7NN ("the Landlord")**

Whereas in terms of their decision dated 27<sup>th</sup> February 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 ("the Act") and in particular that the Landlord has 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 of the 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 require the Landlord to carry out such works as are necessary to clear and/or repair the gutters at the front elevation of the property immediately above the living room windows so that they are brought to a reasonable state of repair and in proper working order and so that the property is in all respects wind and water tight.

The Private Rented Housing Committee order that the works specified in this Order must be carried out and completed by not later than 2<sup>nd</sup> April 2012.

**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 7<sup>th</sup> March 2012  
Chairperson

**C A 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 2/2, 293 St George Road, Glasgow G3 6JQ ("the Property")

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#### The Parties:-

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P & T ESTATES LTD (In Liquidation), having their registered office at 90 Mitchell Street, Glasgow, per their agents Easy Let, 789 Shettleston Road, Glasgow G32 7NN ("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 Act.

#### Background

- 1 By application dated 6<sup>th</sup> December 2011 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 application by the Tenants stated that the Tenants considered that the Landlord had failed to comply with his duty to ensure that the house meets the Repairing Standard and the Tenants brought forward the following alleged breaches:-
  - (a) There is water ingress into the living room of the property. The affected area of the property is on the ceiling immediately above the windows of the living room in the property. The Tenants believe that the gutters situated in the external face of the property and immediately above the ceiling of the living room to the property are in a state of disrepair.
  - (b) The radiator within the back bedroom of the property does not operate correctly.

- 3 The Private Rented Housing Committee served a Notice of Referral dated 19<sup>th</sup> December 2011 upon the Landlord's agents. The said Notice of Referral confirmed that the Tenants' application had been served by the President of the Private Rented Housing Panel to the Private Rented Housing Committee for determination.
- 4 By letter dated 3<sup>rd</sup> February 2012 the Private Rented Housing Committee intimated to both the Landlord and the Tenants that the Private Rented Housing Committee intended to inspect the property and to thereafter hold a hearing in respect of the Tenants' application on the same date.
- 5 The Committee proceeded with the inspection and the hearing on 27<sup>th</sup> February 2012. Mr John Cunningham, being one of the joint Tenants, was present at the inspection. The Tenants had previously indicated they did not wish to attend any subsequent hearing. The Landlord was not represented at either the inspection of the subsequent hearing which was held at the Private Rented Housing Panel's offices at Europa Building, 450 Argyle Street, Glasgow.
- 6 At the time of the inspection the Tenant indicated to members of the Committee that the Landlord had repaired the radiator in the back bedroom of the property and that he accordingly no longer insisted on that part of his application.

#### **Findings of Fact**

- 7 Having been guided by the Committee's professional surveyor member the Committee noted that there was evidence of extensive water ingress into the living room of the property through the ceiling immediately above the window within the living room. It was the surveyor member's view that this water ingress was caused by an overflowing and/or leaking gutter on the exterior of the property immediately above the living room window. The Committee were able to observe the gutter from street level and noted that it appeared to be in a state of disrepair.

#### **Decision**

- 8 The Committee accordingly determined that the Landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Act. The Committee determined that 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 (in particular the gutters) were not in a reasonable state of repair and in proper working order as required by Section 13(1)(b) of the Act.
- 9 The Committee proceeded to make a Repairing Standard Enforcement Order as required by Section 24(1) of the Act. In particular the Private Rented Housing Committee noted that the Landlord had failed to attend to the necessary repairs required to the gutters of the property and that accordingly the property did not meet the Repairing Standard. In the circumstances the Committee considered it appropriate to order the Landlord to carry out such works as were necessary to clear and/or repair the gutters at the front elevation of the property immediately above the living room windows of the property, so that they are brought to a reasonable state of repair and in proper working order and so that the property is in all respects wind and water tight.
- 10 The decision of the Committee was unanimous.

#### **Right of Appeal**

- 11 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**

- 12 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 7<sup>th</sup> March 2012  
Chairperson

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

Carol Anne Millar  
7 West George Street  
Glasgow G2 1BA