



REPAIRING STANDARD ENFORCEMENT ORDER

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref; EH17/26/12

PROPERTY

19/5 East Kilngate Rigg, Edinburgh, EH17 8UA TITLE NO MID27260

PARTIES

MR ROBERT SILADI, residing at 19/5 East Kilngate Rigg, Edinburgh, EH17 8UA.

Tenant

and

MR KEVIN BARR, c/o Southside Property Management, 20 Nicolson Street, Edinburgh, EH8 9DH.

Landlord

REPAIRING STANDARD ENFORCEMENT ORDER ('RSEO') AGAINST MR KEVIN BARR, c/o Southside Property Management, 20 Nicolson Street, Edinburgh, EH8 9DH.

1. **WHEREAS** in terms of their decision dated 17 April 2012 the Private Rented Housing Committee ('the 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 the property fails to meet the repairing standard as set out in section 13(1) of the Act.

2. The Committee now requires the landlord carry out such work as is required to ensure the property meets the repairing standard and that any damage caused as a consequence of carrying out of any works in terms of this Order is also made good (ie; redecoration) before the expiry of the Completion Date.

THE ORDER

3. In particular, and without prejudice to the foregoing generality, the Committee **HEREBY ORDERS** the landlord to carry out the following repairs ('the Works');-

- 3.1 The windows require repair to ensure they are wind and water tight and in all other respects reasonably fit for human habitation and further that the structure and exterior of the house is in a reasonable state of repair and in proper working order.

4. The Committee **HEREBY FURTHER ORDERS** that the Works specified in this Order must be carried out and completed before the expiry of the Completion Date of **TWO WEEKS** from the date of service of this Order.

RIGHT OF APPEAL

5. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

6. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally

determined by confirming the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

IN WITNESS WHEREOF these presents typewritten consisting of this and the preceding two pages are subscribed by me, Steven Peter Walker, Advocate & Barrister, Chairman of the Private Rented Housing Committee, at Edinburgh on the seventeenth day of April two thousand and twelve before this witness, Hee Kiat Sii, solicitor, c/o 2-5 Warwick Court, London.

S Walker

Chairman

H Kiat Sii

Witness



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

19/5 East Kilngate Rigg, Edinburgh, EH17 8UA

INSPECTION & HEARING

30 March 2012

STATEMENT OF REASONS

INTRODUCTION

1. This is an application ('the application') dated 30 January 2012 made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mr Robert Siladi ('the tenant') regarding the property known as and forming 19/5 East Kilngate Rigg, Edinburgh, EH17 8UA ('the property'). The landlord of the property Mr Kevin Barr ('the landlord') c/o Southside Property Management, 20 Nicolson Street, Edinburgh, EH8 9DH.
2. In the application the tenant contends that the landlord has failed to comply with the duty imposed on him by section 14(1)(b) of the Act as the property fails to meet the repairing standard as set out in section 13(1) of the Act.
3. The Committee comprised

Chairman	Mr Steven Walker
Surveyor	Mrs Sara Hesp
Housing Member	Mrs Christine Anderson

THE DOCUMENTATION

4. The Committee considered all the documents referred to it by the parties.

THE INSPECTION

5. The Committee inspected the property. The tenant's wife was present. The landlord did not attend.

DESCRIPTION OF THE PROPERTY

6. The property is a third floor flat (constructed about 20 years ago) comprising 2 bedrooms, bathroom, kitchen, livingroom. The property is on the edge of Edinburgh and close to local amenities.

THE HEARING

7. The hearing took place at the Thistle House, Edinburgh on 30 March 2012. The tenant nor his wife attended the hearing but they provided the Committee with a written submission. The landlord attended the hearing and was provided with a copy of the tenant's submission. The tenant's complaint is that the landlord had failed to meet the repairing standard as detailed in the application. In summary, the tenant considers there has been a failure by the landlord to meet the repairing standard on the following outstanding matters;-

- (a) **Main entrance door is jammed;**
- (b) **Windows are not wind and water tight;**
- (c) **Mould in the property;**
- (d) **Property requires painting.**

8. The Chairman opened the hearing and advised the landlord that he would be able to address the Committee.
9. In summary, the landlord confirmed that he intended to carry out all of the works. The Chairman then concluded the hearing.

THE ACT

10. Section 14(1)(b) of the Act provides;-

"14 Landlord's duty to repair and maintain

(1) The landlord in a tenancy must ensure that the house meets the repairing standard—

(a) at the start of the tenancy, and

(b) at all times during the tenancy.”

11. Section 13 of the Act provides;

“13 The repairing standard

(1) A house meets the repairing standard if—

(a) the house is wind and water tight and in all other respects reasonably fit for human habitation,

(b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,

(c) 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,

(d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,

(e) any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed, and

(f) the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.”

FINDINGS OF FACT & REASONS

12. The complaints before the Committee as per the tenant’s application and our determinations in relation to this are as follows;-

a. Main entrance door is jammed;

13. At the inspection the door was operational. Accordingly, the Committee makes no determination in this regard.

b. Windows are not wind and water tight;

14. At the inspection, all of the windows had problem handles which would not close the window tightly enough to exclude wind. Accordingly, the Committee determines that the windows are not wind and water tight and in all other respects reasonably fit for human habitation and further that the structure and exterior of the house is not in a reasonable state of repair and in proper working order.

c. Mould in the property;

15. At the inspection, whilst some minor mould was noted, the Committee was of the opinion that this was due to the tenant's failure to adequately ventilate the property rather than because of any substantive repairing reason. Accordingly, the Committee makes no determination in this regard.

d. Property requires painting

16. At the inspection, the Committee observed that the property was adequately decorated. The tenant advised the Committee at the inspection that the property was in the present decorative condition before the tenancy commenced. Accordingly, as the tenant willingly commenced the tenancy with the property in that condition, this Committee makes no determination in that regard.

SUMMARY OF DECISION

17. The Committee accordingly determines that the landlord has failed to comply with the duty imposed by section 14(1)(b) of the Act in respect of certain complaints.
18. The Committee accordingly makes a Repairing Standard Enforcement Order as required by section 24(1).

RIGHT OF APPEAL

19. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

20. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

S Walker

Signed

Steven P Walker

Advocate & Barrister

Chairman

Private Rented Housing Committee

17 April 2012