



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Ref: PRHP/G53/73/12

Re: Property at Flat 2/1, 233 Househillmuir Road, Glasgow G53 6LP being the subjects registered in the Land Register of Scotland under Title Number GLA54723 ("the Property")

The Parties:-

STEVEN MAYHEW, residing at Flat 2/1, 233 Househillmuir Road, Glasgow G53 6LP ("the Tenant")

Mr SCOTT DEVLIN, per his agents Castle Residential, 63 Causeyside Street, Paisley PA1 1YT ("the Landlord")

NOTICE TO Mr SCOTT DEVLIN, per his agents Castle Residential, 63 Causeyside Street, Paisley PA1 1YT

Whereas in terms of their decision dated 2nd July 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:-

- (a) The house is wind and watertight and in all other respects reasonably fit for human habitation (Section 13 (1) (a)).
- (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 (Section 13 (1) (b)).
- (c) The installations in the house for the supply of water, gas and electricity and for sanitation, space heating, heating water are in a reasonable state of repair and in proper working order (Section 13 (1) (c)).

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:

- (a) Instruct a full inspection of the roof at the property by a competent and experienced roofer and to thereafter carry out such works as are reasonably necessary and identified in terms of the roofer's report to ensure that the roof of the property is repaired so that it is in all respects wind and watertight.
- (b) To clear and maintain the guttering at the property so that they are in a reasonable state of repair and in proper working order.
- (c) Instruct a suitably qualified electrician to inspect the electrics in the rear bedroom of the property and to carry out such repairs as are recommended by that electrician to ensure that the electrics are in a reasonable state of repair and in proper working order.

The Private Rented Housing Committee order that the works specified in this Order must be carried out and completed within a period of 6 weeks from the date of this order.

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.

Signed **A Cowan** Date **2/7/12**
Chairperson

C Millar Witness

Carol Anne Millar, 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 22 (1) of the Housing (Scotland) Act 2006

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Re: Property at Flat 2/1, 233 Househillmuir Road, Glasgow G53 6LP being the subjects registered in the Land Register of Scotland under Title Number GLA54723 ("the Property")

The Parties:-

STEVEN MAYHEW, residing at Flat 2/1, 233 Househillmuir Road, Glasgow G53 6LP ("the Tenant")

Mr SCOTT DEVLIN, per his agents Castle Residential, 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 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 4th April 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 Sections 13 (1) and 14 (1) (b) of The Housing (Scotland) Act 2006.
- 2 The application by the Tenant named the Landlord as Ms Gemma Cooley. The copy tenancy agreement exhibited by the Tenant named the Landlord as Ms Gemma Cooley. The Committee noted that the property was in fact owned by Mr Scott Devlin. The Committee made enquiries of the Landlord's agents who have confirmed, by email dated 11th June 2012, that the owner of the property was Mr Scott Devlin. They further explained that Mr Devlin and Ms Cooley were partners and that Ms Cooley was a point of contact for the agents Castle Residential. The Committee were satisfied, in all the circumstances that (notwithstanding the terms of the tenancy agreement) Mr Scott Devlin is the owner of the property and is accordingly the Landlord of the property. The Committee were further satisfied that, as the application and subsequent correspondence had been served on Castle Residential who were acting as Landlord's agents, the Application had been properly served upon Mr Devlin as Landlord.

- 3 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) There is a broken window pane in the porch of the property.
 - (b) There is water ingress in the room used as a bedroom by the Tenant at the property.
 - (c) The gutters of the property are clogged and need to be cleared.
 - (d) The roof of the property requires to be inspected and if necessary any repairs carried out.
 - (e) The plasterwork and carpet in the bedroom of the property require to be replaced.
 - (f) The floorboards and electrics in the bedroom require to be inspected for any water damage and if necessary repaired or replaced.
- 3 The Private Rented Housing Committee served Notice of Referral dated 23rd April 2012 under Section 22(1) of the Housing Scotland Act 2006 on both the Landlord and the Tenant.
- 4 Both the Landlord and the Tenant were advised that the Committee intended to inspect the property on the morning of 8th June 2012 and to thereafter hold a hearing, as to the merits of the application, on the same date.
- 5 The Committee proceeded with the inspection and the hearing on 8th June 2012. The Tenant was present at the time of the inspection. The Tenant did not attend the subsequent hearing. Neither the Landlord, Ms Cooley or Castle Residential attended either the inspection or the subsequent hearing.

The Inspection

- 6 At the inspection the Committee noted the following points:-
- (a) The window pane in the porch of the property had been repaired
 - (b) There was evidence of past water ingress within the rear bedroom of the property. The Committee were able to observe water staining on the ceiling and walls of the room at the rear of the property which the Tenant used as a bedroom. At the time of the inspection the ceiling and walls in this room were noted to be dry.

The Committee inspected the roof of the property, from ground level, and noted there appeared to be defects in the roof. In addition to missing and slipped tiles there appeared to be a hole in the roof at the hipped end of the roof directly above the property.
 - (c) The Committee noted that the gutters at the property were not in a reasonable state of repair. Extensive vegetation could be observed growing from the gutters and the gutters required to be cleaned.
 - (d) The Committee noted that at the time of their inspection the plasterwork and walls in the bedroom had recently been painted and that the carpet in the bedroom had been cleaned.
 - (e) The Committee were unable to determine whether the electrics in the bedroom of the property were in a safe condition, but did observe that certain electrical sockets within

the bedroom were located in the area where there was evidence of past water ingress.

Decision

- 8 Having considered the written evidence which the Tenant had made available to the committee and taking account of their own observations from the inspection of the property the Committee determined that:-
- (a) The Property is not wind and watertight, is not in a reasonable state of repair and does not meet the repairing standard (Section 13 (1) (a) of the Act).
 - (b) The gutters at the property are not in a reasonable state of repair or in proper working order and do not meet the repairing standard (Section 13 (1) (b) of the Act)
 - (c) The electrics within the bedroom at the rear of the property are potentially unsafe given the evidence of past water ingress at or around their location. The Committee were accordingly not satisfied that the installations within the property for the supply of electricity were in a reasonable state of repair or in proper working order and accordingly they do not meet the repairing standard (Section 13 (1) (c) of the Act)
- 9 The Committee accordingly determined the Landlords had failed to comply with the duty imposed by Section 14 (1) (b) of the Act.
- 10 The Committee proceeded to make a Repairing Standard Enforcement Order as required by Section 24(2) of the Act.
- 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.

Signed A Cowan Date 21/7/12
Chairperson

C Millar
Witness

Carol Anne Millar, TC Young
7 West George Street, Glasgow G2 1BA