

**STATEMENT OF REASONS**  
*in connection with*  
**INSPECTION AND HEARING**

**HELD ON : 13th OCTOBER 2008**

**PROPERTY : 22 Ladysneuk Road, Cambuskenneth, Stirling**

**1.0 The Parties**

**The Landlords are the Patrons of Cowane's Hospital, 49 St. John Street, Stirling ("the Landlords")**

**The Tenant is Mr. Colin White, 22 Ladysneuk Road, Cambuskenneth, Stirling ("the Tenant")**

**2.0 Background**

- (1) The Tenant has been in occupation of the property since April 1993. There is no formal tenancy agreement.
  - (2) By application dated 5th August 2008 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlords had failed to comply with the duties imposed by Section 14(i)(b) of the Housing (Scotland) Act 2006 ("the Act").
  - (3) By application the Tenant advised he considered the following faults required to be rectified at the property:-
    - The windows and rear door are not wind tight
    - The drains, gutters and down pipes are not in proper working order and do not comply with the requirements for a listed building
    - The hot water tank is not thermostatically controlled
    - There is no fire detection system in the property
    - A fence is required at the north-eastern boundary
- The Tenant indicated in his application that he considered the Landlords to be

in breach of paragraphs (a), (b), (c) and (f) of the Repairing Standard as defined in Section 13 of the Act.

### **3.0 The Inspection**

The Committee attended at the property with the Tenant and the Landlords. The Committee inspected each of the Tenant's required works.

**The windows and back door:** the Committee noted broken panes of glass in the bathroom and sitting room windows. The window cills are rotted particularly at the rear of the property. The mastic pointing and the putty round the frames has also rotted and deteriorated. The weatherboard at the back door is an ill fit and the door itself is in a poor state of repair.

**The drains, gutters and down pipes:** during the course of the inspection the Tenant confirmed the drains, gutters and down pipes were currently fit for purpose although he expressed anxiety that the drains and gutters would not be able to cope in severe weather.

**The hot water system:** the Committee tested the temperature of the hot water by hand as it emerged from the kitchen tap. The water was too hot to touch. We noted the kitchen had a mixer tap.

**Smoke alarm:** the Landlords concede the property does not benefit from a smoke alarm either battery operated or hard-wired.

**Fence:** the Tenant has an iron bar fence at the north-east boundary of the property. He wishes the Landlords to install and maintain a fence. No fence was in place at the commencement of the tenancy.

### **4.0 The Hearing**

A Hearing was held following the inspection. The Landlords and Tenant attended. The Tenant confirmed he stood by his written application and while he understood the Landlords could not afford to carry out work to all the properties immediately he took the view his rent had increased and he was entitled to repairs and maintenance. For the Landlords Mr. Bill Dickson (the Interim Master and the Factor of Cowane's Hospital ) conceded that none of their properties had been particularly well maintained but he advised the Landlords had had considerable financial difficulties over the recent past. The Landlords now had a programme of repair and maintenance for all their domestic properties and repairs would be carried out on a planned basis.

## **5.0 Written Documents**

The Committee carefully considered the whole documentary evidence including a Landlords/Home Owners gas safety record provided by the Landlords on the date of the Hearing which Certificate is valid until the 15th January 2009.

## **6.0 The Decision**

The Committee considered the submission of the parties their observation at the inspection and the documents submitted. The Committee determined as follows:-

- **Windows and back door** - the windows are in very poor condition. Given the level of disrepair which we saw at the inspection we are entirely satisfied they are not wind tight. Further, the back door is also in a poor state of repair and given the flimsy weatherboard we are satisfied the back door is not wind tight. Accordingly there is a breach of the repairing standard Section 13(i)(a).
- **Drains, gutters and exterior pipes** - having inspected these items and the Tenant having confirmed he has no practical problems with these pipes, gutters and drains we are satisfied they are in a reasonable state of repair and in proper working order having regard to the age and character of the house and accordingly there is no breach of the repairing standard as regards Section 13(i)(b).
- **The hot water system** - having seen the gas safety record provided by the Landlords at the Hearing we are satisfied the hot water system is in proper working order and accordingly there is no breach of Section 13(i)(c) of the repairing standard.
- **Smoke detector** - parties are agreed the property lacks a smoke detector and accordingly there is a breach of the repairing standard in respect of Section 13(i)(f).

The provision of a boundary fence is not a matter of concern to this Committee.

Accordingly the Committee determines the Landlords have failed to comply with the duty imposed by Section 14(i)(b) of the Act and we have made a Repairing Standard Enforcement Order as required by Section 24(2). The decision of the Committee is unanimous. The RSEO is attached hereto.

**7.0 Right of Appeal**

**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 this decision.**

**Effect of Section 63**

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 date on which the appeal is abandoned or so determined.

Signed .. **A McCamley** ..  
Chairperson 

Date ..... 13th October 2008

## **Repairing Standard Enforcement Order**

**Ordered by the Private Rented Housing Committee**

**Re : Property at 22 Ladysneuk Road, Cambuskenneth, Stirling  
("the Property")**

**Sasine Description: All and whole that detached cottage style dwellinghouse known as and forming number Twenty-two Ladysneuk Road, Cambuskenneth in the County of Stirling which subjects form part and portion of All and Whole the Lands of Raploch being the subjects referred to in an Instrument of Resignation ad rem of the Master of Cowane's Hospital recorded in the General Register for the County of Stirling on the Seventeenth day of October Eighteen Hundred and Thirty-six.**

**The Parties:-**

**Patrons of Cowane's Hospital, 49 St. John Street, Stirling ("the Landlords")**

**Mr. Colin White, 22 Ladysneuk Road, Cambuskenneth, Stirling  
("the Tenant")**

### **NOTICE TO Patrons of Cowane's Hospital ("the Landlords")**

Whereas in terms of their decision dated 13th October 2008, the Private Rented Housing Committee determined that the Landlords have failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular that the landlords have failed to ensure that (a) the house is wind and watertight and in all other respects reasonably fit for human habitation and (f) the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

The Private Rented Housing Committee now requires the landlords to carry out such work as is necessary for the purposes of ensuring that the house meets the repairing standard and that any damage caused by carrying out any works in terms of this Order are made good.

In particular the Private Rented Housing Committee requires the landlord:-

- (1) To ensure the windows and backdoor are wind tight and without prejudice to the foregoing generality :-

To replace broken panes in the front windows; to replace faulty cills at all windows; to renew faulty putty; to renew faulty mastic pointing at the windows and to renew the weather bar at the back door or to replace the back door to ensure that the door is wind tight. This work must be carried out within **six weeks** of the date hereof.

- (2) The Landlords shall install a hard-wired smoke alarm in the property. This will be installed within **six weeks** of the date hereof

The Private Rented Housing Committee order that the work specified in this Order must be carried out and completed within the period of **six weeks** from the date of service 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.

These presents typewritten on this and the preceding page are subscribed by me Anne McCamley solicitor and Chairman of the Private Rented Housing Committee at Edinburgh on the Thirteenth day of October Two Thousand and Eight in the presence of Murdoch McCamley Chartered Accountant Osborne House, Osborne Terrace , Edinburgh

**M McCamley**  
(witness)

**A McCamley**  
Chairperson p.k.p