



**Determination by Private Rented Housing Committee**  
**Statement of Decision of the Private Rented Housing Committee issued under**  
**Section 24(1) of the Housing (Scotland) Act 2006**

Ref prhp/rt/16/0198

In respect of an application received on 19 May 2016 and lodged in terms of Section 22(1A) of the Housing (Scotland) Act 2006 ("the Act") by Mr John Dundas, Glasgow City Council – DRS Housing and Regeneration Services, 3<sup>rd</sup> Floor, Samaritan House, 79, Coplaw Street, Govanhill, Glasgow G42 7JG ("the Third Party Applicant") in respect of the Property aftermentioned, against the owner of the Property, Mr Kulraj Purewal, residing at Kittoch Water, Glen Road, East Kilbride, Glasgow G74 5BL ("the Landlord")

Re: Flat 1/1, Allison Street, Glasgow G42 8HD ("the Property")

Committee Members

Karen Moore (Chairperson)

Mike Links (Surveyor Member)

Background

1. By application received on 19 May 2016 ("the Application"), the Third Party Applicant applied to the Private Rented Housing Panel for a determination that the Landlord had failed to comply with the duty imposed on him by Section 14 (1) (b) of the Housing (Scotland) Act 2006 in respect that the Property does not meet the Repairing Standard in respect of Sections 13 (1) (a), 13(1) (b), 13(1) (c), 13(1) (d), 13(1) (e), 13(1) (f) and 13(1) (g) of the Act.

2. The President of the Private Rented Housing Panel, having considered the Application and having determined to continue the Application in terms of Schedule 2, Paragraph 7 (2) of the Act, intimated to the Landlord by Notice of Referral dated 26 May 2016, a decision under Section 23 (1) of the Act to refer the Application to a Private Rented Housing Committee, and, in terms of Schedule 2, Paragraph 1 of the Act fixed an Inspection and Hearing for 6 July 2016 at 10.00 a.m. and 1.30 p.m., respectively.

### **Inspection and Hearing.**

4. The Inspection took place on 20 July 2016 at 10.00 a.m. at the Property. Neither the Landlord nor the Third Party Applicant was present at the Inspection. The Tenants, Mr. Stefan Balog and Mrs. Erika Balogova who reside at the Property, and the Landlord's Agent were present at the Inspection.

5. The Committee inspected all of the matters complained of by the Third Party Applicant in the Application namely:-

- the washing machine;
- the cooker;
- the boiler;
- the bathroom toilet;
- the lounge and kitchen windows;
- the absence of a smoke detectors; the absence of carbon monoxide detectors;
- the entry phone handset;
- the lack of a shower curtain or screen and the seal at the bath.

6. At the Inspection, the Committee took digital photographs of the external aspects of the Property which photographs form the Schedule annexed and executed as relative hereto.

7. Following the Inspection, a Hearing was held at Wellington House, Wellington Street, Glasgow on 20 July 2016 at 1.30 p.m at which only the Landlord's Agent was present.

8. The Landlord's Agent explained that all of the works with the exception of the door entry handset had been carried out and that the reason for this repair remaining outstanding is that (i) the entrance door to the close is damaged and (ii) a newly appointed factor is undertaking common works. The Landlord's Agent also advised the Committee that the handset had been broken by the Tenants' young child, a fact confirmed to the Committee by the Tenants at the Inspection.

### **Summary of the Issues**

9. The issues to be determined by the Committee are whether or not the Property meets the Repairing Standard in respect of Sections 13 (1) (a), 13(1) (c), 13(1) (d), 13(1) (e) ,13(1) (f) and 13(1) (g) of the Act at the date of the Inspection and Hearing.

### **Findings of Fact**

10. The Landlord is the owner of the Property. Mr. Stefan Balog and Mrs. Erika Balogova are the Tenants by virtue of a Short Assured Tenancy Agreement between them and the Landlord dated 29 April 2015.

11. The Property is a first floor flat in a traditional tenement block and comprises one public room, one bedroom, a kitchen and bathroom.

12. From the Inspection, the Committee found the following:

- the washing machine appears to be in working order;
- the cooker is new and appears to be in working order ;
- the boiler appears to be working properly and there is hot water;
- the bathroom toilet flushes properly;
- the lounge and kitchen windows open and shut properly;
- there are hard wired smoke detectors, a heat detector and a carbon monoxide detector;
- there is a shower curtain;
- the bath is properly sealed at the bath and
- the entry phone handset appears to be broken.

At the Inspection, the Tenants confirmed that the matters complained of had been repaired or renewed.

13. From statement made to them the Hearing, the Committee accepted that the Landlord had resolved the complaints with the exception of the door entry handset and that the explanation for not repairing or renewing the handset was a reasonable one.

#### **Decision of the Committee**

14. The Committee's decision is based on the Application with supporting documents, the written representations, the Inspection and on the statements made to the Committee at the Hearing.

15. In respect of Section 13 (1) (a) of the Act , the Committee found that at the date of the Hearing the Landlord has not failed to comply with the duty imposed by Section 14 (1) (b) of the Act, the reason being that the Property is wind and watertight and otherwise reasonably fit human habitation.

16. In respect of Section 13(1) (c) of the Act , the Committee found that at the date of the Hearing the Landlord has not failed to comply with the duty imposed by Section 14 (1) (b) of the Act, the reason being that 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.

17. In respect of Section 13 (1) (d) of the Act , the Committee found that at the date of the Hearing the Landlord has not failed to comply with the duty imposed by Section 14 (1) (b) of the Act, the reason being any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

18. In respect of Section 13 (1) (e) of the Act , the Committee found that at the date of the Hearing the Landlord has not failed to comply with the duty imposed by Section 14 (1) (b) of the Act, the reason being that any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed.

19. In respect of Section 13(1) (f) of the Act , the Committee found that at the date of the Hearing the Landlord has not failed to comply with the duty imposed by Section 14 (1) (b) of the Act, the reason being that the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

20. In respect of Section 13 (1) (g) of the Act , the Committee found that at the date of the Hearing the Landlord has not failed to comply with the duty imposed by Section 14 (1) (b) of the Act, the reason being that the Property has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

21. The decision is unanimous.

#### **Right of Appeal**

22. 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.

23. Where such an appeal is made, the effect of the decision and of any repairing standards enforcement 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 any repairing standards enforcement order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed **Karen Moore**

Karen Moore, Chairperson      Date 25 July 2016

*This is the schedule referred to  
in the foregoing decision*

**Karen Moore**

**SCHEDULE OF PHOTOGRAPHS**

25/7/12

**FLAT 1/1, 272 ALLISON ST, GLASGOW G42 8HD**



**FRONT ELEVATION**



**VANDALISED DOOR ENTRY**