



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

STATEMENT OF DECISION OF PRIVATE RENTED HOUSING COMMITTEE (Hereinafter referred to as "the Committee")

Under Section 24 (1) of the Housing (Scotland) Act 2006

Case Ref Number: PRHP/G44/102/10

In connection with the property at

146 Curtis Avenue, Glasgow, G44 4NP ("the Property"),

Land Register Title Number GLA156135

The Parties

Ms Elaine Hayden, residing at 146 Curtis Avenue, Glasgow, G44 4NP ("the Tenant").

And

Mull Properties Limited per agents, Cairn Estate and Letting Agency, 34 Gibson Street Glasgow, G12 8NX ("the Landlords").

The Committee comprised:-

- Mr James Bauld - Chairperson
- Mr Alan English - Surveyor member
- Mr James Riach - Housing member

Background

1. On 22nd October 2010 the Committee issued a determination which decided that the Landlord had failed to comply with the duties imposed by Section 14 (1) of the Housing (Scotland) Act 2006 ("the 1006 Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order (RSEO) in respect of the property.
2. The RSEO made by the Committee required the Landlord to carry out such works as were necessary to:-
 - To repair or replace the bay window in the large front room to eradicate rot and prevent water ingress;
 - To repair and/or replace the window sills or windows within the small front room, small rear room and kitchen/bathroom to eradicate rot and prevent water ingress;
 - To carry out repairs to the exterior door to make it wind and water tight;
 - To carry out repairs to the stair treads number 2,3 and 4 within the internal staircase to make them safe and stable;
3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within the period of 2 months from the date of the Order. The RSEO were effectively served on the Landlord.

4. On 7th January 2011 the Committee carried out a further inspection of the property for ascertaining whether the repairs required by the RSEO had been completed.
5. During the inspection of the property, the tenant was present but the Landlord was neither present nor represented. The Committee inspected the property. It was immediately apparent to the Committee that the repairs required to the windows to the property had been completed in that all windows within the property had now been replaced with new UPVC double glazed units.
6. The Committee noted during their inspection that the repairs required to the exterior door and the stair treads had not been completed.
7. A reconvened hearing of the Committee then took place within the PRHP offices in Glasgow. That date had been notified to the parties in advance to allow them to make representations to the Committee either in writing or at the hearing. The purpose of the hearing was to decide whether the Landlord had complied with the RSEO made by the Committee in terms of Section 26(1) of the Act.
8. The tenant did not attend the hearing. The Landlord was neither in attendance nor represented at the hearing. However, prior to the hearing, the Clerk to the Committee telephoned the Landlord. The Landlord indicated that he was not aware of the date and time of the hearing but that he had taken steps to comply with the RSEO in that the windows had been replaced. The Landlord indicated to the Clerk that the other works would be completed and were to be instructed.

Determination and Reasons

9. The Committee considered the evidence which was apparent from the re-inspection and the information which had been provided to the Committee via the telephone call from the Clerk to the Landlord.
10. The Committee considered that satisfactory progress had been made in carrying out the work required by the RSEO and that the major elements of the work required by the RSEO had been completed.
11. Accordingly the Committee decided in terms of the powers under Section 25 of the 2006 Act to vary the Repairing Standard Enforcement Order which had been previously made.
12. The Committee decided that the RSEO should be varied to allow the Landlord a further period of 4 weeks to complete the outstanding works, namely the repairs to the external door and the repairs to the internal stair treads of the property.

Decision

13. The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the RSEO in relation to the property concerned and taking full account of all the evidence obtained at the inspection and at the hearing determined to exercise their powers in terms of Section 25 of the 2006 Act to vary the Repairing Standard Enforcement Order.
14. The Committee proceeded to make a variation to the RSEO.
15. The decision of the Committee was unanimous.

Rights of Appeal

16. A Landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
17. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

Effects of Section 63

18. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.
19. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

J Bauld

Signed

Date *27 June 2011*

James Bauld, Chairperson

G Williams

Signature of Witness...

Date *27/1/11*

Name: Gillian Williams

Address: 7 West George Street, Glasgow, G2 1BA

Designation: Senior Court Administrator



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/G44/102/10

Re : Property at 146 Curtis Avenue, Glasgow, G44 4NP ("the Property")

The Parties:-

Mull Properties Limited per agents, Cairn Estate and Letting Agency, 34 Gibson Street Glasgow, G12 8NX ("the Landlord")

Ms Elaine Hayden, residing at 146 Curtis Avenue, Glasgow, G44 4NP ("the Tenant").

NOTICE TO Mull Properties Limited per agents, Cairn Estate and Letting Agency, 34 Gibson Street Glasgow, G12 8NX ("the Landlords")

The Private Rented Housing Committee having determined on 20th January 2010 that the Repairing Standard Enforcement Order relative to the Property served on 22nd October 2010 should be varied, the said Repairing Standard Enforcement Order is hereby varied with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended for a further 4 weeks.
2. The steps which the Committee require the landlord to take in complying with the order are amended as follows :-
 - To carry out repairs to the exterior door to make it wind and water tight;
 - To carry out repairs to the stair treads number 2,3 and 4 within the internal staircase to make them safe and stable;

Subsection 25(3) of the Housing (Scotland) Act 2006 does apply in this case.

A landlord or a tenant aggrieved by this 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 variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents type written on this and the preceding page are executed by James Bauld, solicitor, 7 West George Street, Glasgow, G2 1BA, chairperson of the Private Rented Housing Committee at Glasgow on 27 January 2011 before this witness:-

Signed **J Bauld** Date *27 Jan 2011*

James Bauld, Chairperson

G Williams
Signature of Witness. Date *27/1/11*

Name: Gillian Williams

Address: 7 West George Street, Glasgow, G2 1BA

Designation: Senior Court Administrator