



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Title Number GLA30130

prhp/g42/139/11

Re: The residential dwellinghouse at

**G/01
13 Allison Street
Glasgow
G42 8NP
("the Property")**

The Parties:-

**Mr Robert Eadie formerly resident at the Property
("the Tenant")**

and

**Miss N Kaur
18 Vennard Gardens
Glasgow
G41 2DA
("the Landlord")**

NOTICE TO THE LANDLORD

The Private Rented Housing Committee ("the Committee") having determined on 31 January 2012 that the Repairing Standard Enforcement Order ("the RSEO") relative to the Property dated 7 December 2011 should be varied, hereby vary the RSEO with effect from the date of service of this Notice in the following respects:-

- (a) the period allowed for the completion of the works required by the RSEO is extended to 3 September 2012.

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

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 this 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 this and the preceding page is subscribed by Ronald G Handley, solicitor, chairperson of the Committee at Dunbar on the thirteenth day of February 2012 before this witness:

Jane Handley
witness

R Handley
chairperson

JANE HANDLEY name in full

23 LESLIE WAY address of witness

DUNBAR

EAST LoTHIAN

COLLEGE MANAGER occupation



Decision by the Private Rented Housing Committee

**Statement of Reasons of the Private Rented
Housing Committee under Section 24 (1) of the
Housing (Scotland) Act 2006**

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Re: The residential dwellinghouse at

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The Parties:-

Mr Robert Eadie formerly resident at the Property

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and

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Glasgow
G41 2DA**

("the Landlord")

The Background

1. On 21 July 2011 the Tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. Following receipt of the Tenant's application, the President of the PRHP intimated that the application should be referred to a Private Rented Housing Committee ("the Committee") in accordance with Section 22(1) of the Act.
3. Following lawful termination of the Tenancy Agreement the Tenant vacated the Property and was deemed to have withdrawn his application

to the PRHP. However, having fully considered all relevant matters the Committee considered that in accordance with paragraph 7(3) of Schedule 2 of the Act, it was appropriate to determine the application despite the withdrawal.

The Application

4. In his application the Tenant alleged that the Landlord had failed to comply with her duty to ensure that the Property met the Repairing Standard (as defined in the Act). It was submitted that the Landlord had failed to ensure that the Property was wind and water tight and in all respects reasonably fit for human habitation and that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water were not in a reasonable state of repair and not in proper working order.
5. In particular the Tenant submitted in his Application Form that the WC did not work properly, the WC room had a hole in the floor and in the ceiling, the kitchen was unusable, there was dampness in the bedroom (and the Landlord used it for storage) and there was no storage space in the Property.

Findings

6. The Committee found the following facts to be established:
 - On 2 August 2010 the Tenant and the Landlord entered into a Tenancy Agreement that related to the Property. The Tenancy Agreement was lawfully terminated and the Tenant vacated the Property.
 - The Property is a two room ground floor flat in a tenement block of flats. The Property comprises a WC, kitchen, living room and bedroom. A small room off the kitchen contains a bath.
 - On 22 November 2010 a fire occurred in the Property. The fire caused damage to the kitchen and smoke damage throughout the Property. The IRS Incident Report indicates that the fire was the result of an accident.
 - The kitchen was not in a reasonable state of repair and there are exposed electrical wires. Many of the appliances including the cooker, oven, washing machine and fridge were not in a reasonable state of repair and not in proper working order.
 - There was a hole in the floor and in the ceiling of the WC room and the WC did not flush.
 - Around 10 months prior to the inspection, water from an upper flat in the tenement block penetrated the stairway wall which forms one of the walls in the hallway and the bedroom of the Property. There was

residual dampness in that bedroom wall and in that wall in the hallway of the Property.

7. The Committee determined that the Landlord had failed to comply with the duty imposed by section 14(1) (b) of the Act.
8. The Committee proceeded to make a Repairing Standard Enforcement Order ("the RSEO") as required by section 24(1) of the Act.
9. The decision of the Committee was unanimous.

The Variation

10. On 30 December 2011 the Committee received intimation that much of the works required in the RSEO would be carried out by the City of Glasgow Council. These works would be commenced in February/March 2012 and would take around 6 months to complete. In these circumstances and in accordance with section 25 of the Act the Committee agreed to vary the RSEO by extending the period of time for the completion of the works to 3 September 2012.
11. The decision of the Committee was unanimous.

Right of Appeal

12. A Landlord(s) or Tenant aggrieved by the decision of a PRHP 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. 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..... **R Handley** Date: 13 February 2012
Chairperson