



Notice of a Decision to Vary a Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Case Reference Number: PRHP/RP/14/0245

Re: 49 Bridge Street, Lockerbie DG11 2HR (“the property”)

Land Register Title No: DMF336

The Parties:-

Miss Emma McTurk, residing at the property (“the tenant”)

**Dr Jaswant Singh Mom, residing at 22 Gleneagles Drive, Lancaster LA1 3RP
 (“the landlord”)**

Repairing Standard Enforcement Order Against:

**Dr Jaswant Singh Mom, residing at 22 Gleneagles Drive, Lancaster LA1 3RP
 (“the landlord”)**

The Private Rented Housing Committee, having determined on 21 October 2015 that the Repairing Standard Enforcement Order relative to the property dated 11 June 2015 and varied on 21 July 2015 should again be varied, the committee hereby varies the Repairing Standard Enforcement Order to the effect that the period allowed for the completion of the works required by the Repairing Standard Enforcement Order is extended until 21 January 2016.

Rights of Appeal

1. 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.

2. The appropriate respondent in such appeal proceedings is the other party to the proceedings and not the panel or the committee which made the decision.

Effects of Section 63

3. 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. 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.

IN WITNESS WHEREOF these presents typewritten on this and the preceding page are signed by Sarah Frances O'Neill, Chairperson of the Private Rented Housing Committee, at Glasgow on the twenty-first day of October Two Thousand and Fifteen before this witness, Murray Morton, PRHP Caseworker of Europa Building, 450 Argyle Street, Glasgow G2 8LH: -

S O'NEILL

M MORTON

Chairperson

/ - **Witness** v



Determination of the Private Rented Housing Committee

Statement of decision of the Private Rented Housing Committee under Section 25 of the Housing (Scotland) Act 2006

Case Reference Number: PRHP/RP/14/0245

Re: 49 Bridge Street, Lockerbie DG11 2HR (“the property”)

Land Register Title No: DMF336

The Parties:-

Miss Emma McTurk, residing at the property (“the tenant”)

Dr Jaswant Singh Mom, residing at 22 Gleneagles Drive, Lancaster LA1 3RP (“the landlord”)

Background

1. The Private Rented Housing Committee (‘the committee’) issued a decision on 11 June 2015 requiring the landlord to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property issued by the committee on 11 June 2015 and served on 23 June 2015. The RSEO required the landlord to:
 1. Carry out such works as are necessary to ensure that the back door to the property is secure, wind and watertight and in proper working order, including the repair or replacement of the rim lock.
 2. Engage a suitably qualified, and Gas Safe registered, heating engineer to:
 - i. service the gas central heating boiler and investigate the fault which is causing the boiler to malfunction

- ii. ensure that the boiler and remainder of the heating installation is safe, functional and in proper working order.
 - iii. carry out a gas safety check and provide a gas safety certificate.
 3. Engage a suitably qualified and registered SELECT or NICEIC electrical contractor to carry out a certificated electrical condition check (EICR) on the entire electrical installation of the property.
 4. Carry out works as recommended by that certificated electrical condition check to ensure that the electrical installation is safe, functional and in proper working order, and provide a Domestic Electrical Installation Certificate for any works carried out.
 5. Provide and install smoke detection and alarm equipment in accordance with the British Standard on the design of fire detection installations for dwellings (BS5839 Part 6) in conjunction with the Scottish Government's Technical Handbook 2013 Domestic under Section 2 - Fire, Sub-section 2.11 Communication.
 6. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.
2. The committee ordered that the works specified in the RSEO must be carried out and completed within the period of four weeks from the date of service of the RSEO.
 3. On 21 July 2015, the committee issued a notice of variation, which varied the RSEO to the effect that the period allowed for the completion of the works required by the RSEO was extended until 31 August 2015.
 4. On 3 September 2015, the surveyor member of the committee inspected the property and found that the following works required by the RSEO had been undertaken:
 1. The back door to the property has been serviced and a new rim lock has been provided. The door is secure, wind and watertight.
 2. The boiler and system has been serviced and checked for safety. A gas safety certificate has been provided. The tenant reported that the system had been working well until the night before the inspection when the heating to radiators had again failed.
 3. A NICEIC electrical contractor has carried out an Electrical Installation Condition Report. The landlord has provided only page one (of eight) of that report. The front page provided states that the installation is satisfactory.

4. It is clear that some electrical works have been carried out, notably, the removal of the wiring running across the kitchen floor and the provision of two additional double sockets in the kitchen.
5. A hard-wired smoke detector has been fitted in the hall.
5. The surveyor found that the following works required by the RSEO remained outstanding:
 1. Provision of a full Electrical Installation Condition Report.
 2. Carry out the works recommended in that report (if any).
 3. Although one smoke detector has been provided, this falls short of the requirements of the RSEO.
 4. Provide a Domestic Installation Certificate for all works carried out.
 5. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.
6. With regard to the outstanding items 1 and 2 above, following a request from the committee, the landlord sent a copy of all eight pages of the Electrical Installation Condition Report on 12 September 2015. This report recommended improvement on two items: firstly, there was no earth on the lighting circuit and secondly, the cooker should be on its own circuit. The committee considered these recommendations and whether these should be complied with in order to satisfy the terms of the RSEO. It concluded that, while these improvements would be desirable, these were category C3 recommendations, and that overall the installation had been found by the NICEIC electrical contractor to be satisfactory. The committee was therefore satisfied that items 1 and 2 above had been complied with.
7. With regard to the outstanding item 3 above, the committee notes that, while one hard wired smoke alarm has now been fitted, the Scottish Government's revised Domestic Technical Handbook guidance¹ states there should be at least:
 - One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes
 - One functioning smoke alarm in every circulation space, such as hallways and landings
 - One heat alarm in every kitchen

¹<https://www.prhpscotland.gov.uk/sites/default/files/prhp/Smoke%20Alarms%20in%20Private%20Lets%20Sep%2014%20update.pdf>

- All alarms should be interlinked

8. The guidance also states that:

- the number and position of the alarms will depend on the size and layout of the house
- there should be at least one alarm on each floor.
- the landlord should either install smoke and fire detectors that meet the standard set by building regulations or be able to justify why a lesser level of protection is appropriate in a particular house.

9. The committee therefore considers that the landlord has not complied fully with the guidance. It considers that at the least, a heat alarm should be installed in the kitchen. The committee notes that in his email to the panel of 12 September, the landlord stated that he felt the smoke alarm which had been fitted was reasonable given the size of the property, but that if the committee felt another smoke detector was required, he would install another one.

10. Finally, with regard to the outstanding item 4 above, the committee notes that some recent electrical works have been carried out, notably, the removal of the wiring running across the kitchen floor and the provision of two additional double sockets in the kitchen. No Domestic Electrical Installation Certificate, as required by the RSEO, has been provided by the landlord in respect of the works which have been carried out.

11. The committee considers that the landlord has complied with items 1, 2 and 3 in the RSEO, but that while he has partly complied with items 4 and 5, these have not been fully complied with. The landlord has indicated that he is willing to carry out further works if necessary to ensure compliance with item 5. The only item outstanding in respect of item 4 is the provision of a Domestic Electrical Installation Certificate.

12. The committee therefore considers that in all the circumstances it would be reasonable to vary the RSEO to allow a further period for the completion of the outstanding works. The committee accordingly varies the RSEO to extend the period for the completion of the works until **21 January 2016**.

13. **In summary, in order to fully comply with the RSEO, the landlord is required to: 1) install as a minimum a heat alarm in the kitchen area and 2) provide a Domestic Electrical Installation Certificate in respect of the works which have been carried out by 21 January 2016.**

Rights of Appeal

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S O'NEILL

Signed.....

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Date 21/10/15.....

Chairperson