



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Ref prhp/rp/15/0262

In respect of an application dated 25 September 2015 and lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 ("the Act") by Miss Lisa Craig ("the Tenant's Representative"), on behalf of her mother Mrs. Mary Craig ("the Tenant"), residing at 33 Bon Accord Street, Shotts, ML7 4EA the Tenant of the Property aftermentioned, against the owner of the Property, Mr. Andrew Alexander Sneddon, ("the Landlord")

Re: 33 Bon Accord Street, Shotts, ML7 4EA ("the Property") registered in the Land Register of Scotland under title number LAN140092

Committee Members

Karen Moore (Chairperson)

Andrew Taylor (Surveyor Member)

NOTICE TO THE LANDLORD

Mr. Andrew Alexander Sneddon, residing at 9, Stanmore Gardens, Lanark.

Whereas in terms of their decision dated 28 January 2016, the Private Rented Housing Committee determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and required the Landlord to carry out the such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good and Whereas in terms of their decision dated 4 July 2016, the Private Rented Housing Committee determined that the Landlord should be given further time to comply with the Repairing Standard Enforcement Order (the "RSEO") imposed by them on 28 January 2016, the Committee vary the RSEO as follows:-

The Landlord must on or before 12 August 2016:-

1. Refurbish or replace all windows in the property (including rear porch) to ensure that they are wind and watertight, capable of opening, secure and in proper working order. Include all ancillary works, pointing, making good and decoration.
2. Carry out such works as are necessary to ensure that the rear kitchen porch is wind and watertight; include refurbishing or renewing external door and all making good and decoration.
3. Service and adjust internal pass doors and cupboard doors throughout, replace damaged or missing doors, providing new ironmongery as required, to ensure that they are in proper working order and capable of latching shut. Include all making good and decoration.
4. Provide new external door between kitchen and porch including all ironmongery and making good and decoration.
5. Refurbish or renew all kitchen units and worktops to ensure that they are in proper working order and fit for purpose; include all making good.
6. Repair or replace kitchen sink waste pipe internally and externally and properly connect to external drainage; include all necessary making good.
7. Repair or replace existing WC cistern and leave in proper working order.
8. Make good water damaged ceilings in dining room and kitchen including all making good and decoration.
9. Replace missing ceramic tiles around bath/shower and form effective seal at bath.
10. Carry out a certificated electrical condition check (EICR) on the entire electrical installation of the property, internally and externally (including garage), by a suitably qualified and registered SELECT or NICEIC electrical contractor.
11. Carry out works as recommended by that check to ensure that the electrical installation is safe, functional and in proper working order. These works should include the repairing or replacing the kitchen hob and bathroom instantaneous shower.
12. Provide a Domestic Electrical Installation Certificate for the works carried out.

13. Provide and install heat, carbon monoxide and 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 and the 2015 Scottish Government Statutory Guidance for the Provision of Carbon Monoxide Alarms in Private Rented Housing.
14. Engage a suitably qualified, and Gas Safe registered, heating engineer to repair or replace the gas fire and back boiler installation; repair and/or replacing radiators as necessary to ensure that the fire/back boiler and remainder of the heating installation is safe, functional and in proper working order.
15. Carry out a gas safety check and provide a gas safety certificate.
16. Refurbish or replace existing cast iron gutters to the property and leave in proper working order.
17. Carry out such works as are necessary to ensure that the external timber garage is wind watertight and fit for use, including replacing roof covering and timbers as necessary and refurbishing access doors.
18. Carry out all ancillary works, making good and decoration.

A Landlord or a Tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within twenty one 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.

In Witness Whereof these presents printed on this and the preceding pages are subscribed by Karen Moore, Chairperson, at Glasgow on 4 July 2016 before this witness, Norman William Moore, solicitor, Cumbernauld.

W Moore



K Moore



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/rp/15/0262

In respect of an application dated 25 September 2015 and lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 ("the Act") by Miss Lisa Craig ("the Tenant's Representative"), on behalf of her mother Mrs. Mary Craig ("the Tenant"), residing at 33 Bon Accord Street, Shotts, ML7 4EA the Tenant of the Property aftermentioned, against the owner of the Property, Mr. Andrew Alexander Sneddon, residing at 9, Stanmore Gardens, Lanark ("the Landlord")

Re: 33 Bon Accord Street, Shotts, ML7 4EA ("the Property")

Committee Members

Karen Moore (Chairperson)

Andrew Taylor (Surveyor Member)

This Decision should be read in conjunction with the Committee's Decision of 28 January 2016.

Background

1. By application dated 25 September 2015, ("the Application"), the Tenant's Representative on behalf of the Tenant applied to the Private Rented Housing Panel ("the PRHP") 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), (b), (c), (d) and (f) of the Act.

2. An Inspection and Hearing were held on 13 January 2016 at 10.00 a.m. and 11.00 a.m., respectively, following which the Committee determined that the Property did not meet the Repairing Standard in respect of Sections 13 (1) (a), (b), (c), (e) and (f) of the Act and imposed the following Repairing Standard Enforcement Order ("the RSEO") :-

"The Landlord must on or before 31 March 2016:-

1. *Refurbish or replace all windows in the property (including rear porch) to ensure that they are wind and watertight, capable of opening, secure and in proper working order. Include all ancillary works, pointing, making good and decoration.*

2. Carry out such works as are necessary to ensure that the rear kitchen porch is wind and watertight; include refurbishing or renewing external door and all making good and decoration.
 3. Service and adjust internal pass doors and cupboard doors throughout, replace damaged or missing doors, providing new ironmongery as required, to ensure that they are in proper working order and capable of latching shut. Include all making good and decoration.
 4. Provide new external door between kitchen and porch including all ironmongery and making good and decoration.
 5. Refurbish or renew all kitchen units and worktops to ensure that they are in proper working order and fit for purpose; include all making good.
 6. Repair or replace kitchen sink waste pipe internally and externally and properly connect to external drainage; include all necessary making good.
 7. Repair or replace existing WC cistern and leave in proper working order.
 8. Make good water damaged ceilings in dining room and kitchen including all making good and decoration.
 9. Replace missing ceramic tiles around bath/shower and form effective seal at bath.
 10. Carry out a certificated electrical condition check (EICR) on the entire electrical installation of the property, internally and externally (including garage), by a suitably qualified and registered SELECT or NICEIC electrical contractor.
 11. Carry out works as recommended by that check to ensure that the electrical installation is safe, functional and in proper working order. These works should include the repairing or replacing the kitchen hob and bathroom instantaneous shower.
 12. Provide a Domestic Electrical Installation Certificate for the works carried out. Include all ancillary works, making good and decoration.
- Note: -The Scottish Government has a searchable database containing details for all registered electricians in Scotland.*
13. Provide and install heat, carbon monoxide and 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 and the 2015 Scottish Government Statutory Guidance for the Provision of Carbon Monoxide Alarms in Private Rented Housing.
 14. Engage a suitably qualified, and Gas Safe registered, heating engineer to repair or replace the gas fire and back boiler installation; repair and/or replacing radiators as necessary to ensure that the fire/back boiler and remainder of the heating installation is safe, functional and in proper working order.
 15. Carry out a gas safety check and provide a gas safety certificate.

Note: - The Tenant indicates that she may have access to grant funding to replace the current heating system including the provision of a new combination boiler. The Landlord may wish to take advantage of this in addressing the above requirement.

16. *Refurbish or replace existing cast iron gutters to the property and leave in proper working order.*

17. *Carry out such works as are necessary to ensure that the external timber garage is wind watertight and fit for use, including replacing roof covering and timbers as necessary and refurbishing access doors."*

3. Following the expiry of the time limit specified in the RSEO, the Surveyor Member of the Committee re-inspected the Property and reported that none of the works required by the RSEO had been completed by the Landlord. The Surveyor Member's report was notified to both parties, following which notification the Landlord requested a Hearing. Accordingly, a further Inspection and Hearing were arranged for in terms of [Regulation].

Inspection and Hearing.

4. The Inspection took place on 22 June 2016 at 10.00 a.m. at the Property. The Tenant, the Tenant's Representative and the Landlord were present at the Inspection. Following the Inspection, a Hearing was held at Wellington House, Wellington Street, Glasgow on 22 June 2016 at 12.30 pm. The Tenant, the Tenant's Representative, the Landlord and his wife, Mrs. Margaret Sneddon, were present at the Hearing.

5. At the Hearing, the parties made statements to the Committee. Mrs. Sneddon advised the Committee that the works required by the RSEO had not been carried out as, having written twice to the Tenant, the Landlord had been unable to obtain access to the Property. The Tenant denied having received any requests for access from the Landlord. Mrs. Sneddon was unable to provide to the Committee evidence of the requests for access.

6. In any event, the parties agreed that the works required by the RSEO had not been carried out and, at the suggestion of the Committee agreed that the Landlord should be given access to the Property on Saturday 2 July 2016 at 9.30 a.m. in the presence of the Tenant's Representative to carry out an assessment of works required by the RSEO.

Summary of the Issues

7. The issues to be determined by the Committee are whether or not the RSEO should be discharged or varied or if the RSEO should be treated as not complied with in the event of which a Rent Relief Order should be considered.

Findings of Fact

- i) From the Inspection, the Committee found that the defects listed in their Decision of 28 January 2016 still subsist, namely:-
- ii) The double glazed UPVC windows throughout the Property do not fit or close properly;
- iii) The back boiler appears not to be connected and the radiators in the Property appear not to work properly;
- iv) The living room gas fire appears to be unsafe;
- v) The living room door has no ironmongery and does not close properly;
- vi) The dining room ceiling is damaged and requires repair;
- vii) There is no door between the kitchen and the porch;
- viii) The electric cooker cannot be switched off except at the cooker control unit;
- ix) The kitchen units and work surfaces are damaged;
- x) The glass in the porch door is broken and has been boarded up;
- xi) The porch ceiling has collapsed and electrical wires are exposed;
- xii) The door of the cupboard in the downstairs hall is not secured;
- xiii) The plaster on the bathroom wall is exposed;
- xiv) The shower does not work;
- xv) The WC does not flush;
- xvi) The internal sink waste pipe is leaking and the external waste pipe from the kitchen is broken and leaking
- xvii) An there is an open connection at the sink waste and external drain;
- xviii) There are insufficient alarms for fire safety;
- xix) The gutters are broken at the front elevation;
- xx) The garage roof is defective and leaks
- xxi) The garage door is broken and
- xxii) The garage electrics appear to be unsafe due to water ingress

- xix) The gutters are broken at the front elevation;
 - xx) The garage roof is defective and leaks
 - xxi) The garage door is broken and
 - xxii) The garage electrics appear to be unsafe due to water ingress
9. The Committee recorded these Findings by digital photographs which form the Schedule annexed.
10. From statements made to them the Hearing, the Committee accepted that the no repairs to or inspections of the Property had been carried out by the Landlord.

Decision of the Committee

11. The Committee's decision was based on the Application with supporting documents, the written representations of both parties, the Inspection and on the statements made to the Committee at the Hearing.
12. The Committee determined that the RSEO had not been complied with. The Committee then considered what action should be taken by it. The Committee took the view that, as the Landlord had indicated a willingness to comply with the RSEO and that as a date for the Landlord to assess the works required had been agreed by the parties, the RSEO should be varied to allow the Landlord further time to comply. Although the Committee was of the view that the Landlord had made little effort to comply with the RSEO prior to the date of the Hearing on 22 June 2016, the purpose of the Tenant's complaint to the PRHP is to have the Property brought up to the statutory Repairing Standard, and so, it is in the interests of justice and in accordance with the overarching principle set out at Regulation 3 of the Regulations, that the RSEO be varied.
13. Accordingly, the Committee varied the RSEO to allow the Landlord until 12 August 2016 to comply.
14. The decision is unanimous.

Right of Appeal

15. 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.
16. 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

K Moore

Karen Moore, Chairperson

Date 5/7/16

4/7/16

This is the schedule of photographs referred to in
the foregoing decision in respect of p/15/8262,
33 Ben Aizora cres shots, dated 4/7/16
K Moore

Solicitor and notary
Antoni,
Glasgow





5. Dining Room Ceiling



6. Kitchen Porch Ceiling



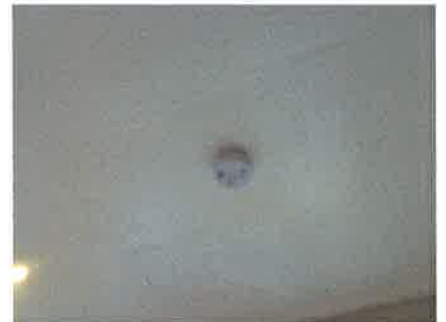
7. Kitchen Porch Back Door



8. Kitchen Units



9. Water Damage Kitchen Ceiling



10. Battery Smoke Alarm GF Hall



11. Bedroom Door Replaced by Tenant



12. Bedroom Door Replaced by Tenant



13. Hall Cupboard Door



14. Bathroom Window



15. Instantaneous Shower Unit



16. Bathroom WC



17. Kitchen Sink Waste Externally



18. Garage Roof