



**Variation of 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 :-

1. 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 in particular that the Landlord had failed to ensure that the Property is wind and watertight and otherwise reasonably fit human habitation, that the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order, that the installations in the Property for the supply of water, gas and electricity and for sanitation,

1. space heating and heating water are in a reasonable state of repair and in proper working order, that any fixtures and fittings provided by the Landlord under the tenancy are in a reasonable state of repair and working order and that the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and imposed a Repairing Standard Enforcement Order dated 28 January 2016 (“the RSEO”) requiring the Landlord to carry out certain works;
2. 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 RSEO and varied the RSEO and
3. In terms of their decision dated 16 November 2016, the Private Rented Housing Committee determined that the Landlord should be given further time to comply with the RSEO as varied, the Private Rented Housing Committee now vary the RSEO further as follows:-

The Landlord must on or before 31 December 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 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.
3. 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 bathroom instantaneous shower.
4. Provide a Domestic Electrical Installation Certificate for the works carried out.
5. 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.
6. Carry out a gas safety check and provide a gas safety certificate.
7. Refurbish or replace existing cast iron gutters to the property and leave in proper working order.

8. 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 and
9. 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 page are subscribed by Karen Moore, Chairperson, at Glasgow on 16 November 2016 before this witness, Norman William Moore, solicitor, Cumbernauld,

W Moore

K Moore

Witness

solicitor,  
Dunuswood House,  
10, Dunuswood Road,  
Cumbernauld,  
G67 3EX



**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 registered in the Land Register of Scotland under Title Number LAN140092 ("the Property")

**Committee Members**

Karen Moore (Chairperson)

Andrew Taylor (Surveyor Member)

**This determination should be read in conjunction with:-**

Decision and Repairing Standard Enforcement Order dated 28 January 2016 and  
Decision and Variation of Repairing Standard Enforcement Order dated 4 July 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 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. 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 19 November 2015, a decision under Section 23 (1) of the Act to refer the Application to a Private Rented Housing Committee ("the Committee"), and, in terms of Schedule 2, Paragraph 1 of the Act fixed an Inspection and Hearing for 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 the Act and imposed a Repairing Standard Enforcement Order ("RSEO").

3. A second Inspection and Hearing took place on 22 June 2016 following which the Committee determined that the Property did not meet the Repairing Standard in respect of the Act and varied 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.*

### **Third Inspection and Hearing.**

4. A third Inspection took place on 9 November 2016 at 10.00 a.m. at the Property. The Tenant and the Landlord were both present at the Inspection. The Committee inspected all of the matters listed in the RSEO as varied and took digital photographs at the Inspection, which photographs form the Schedule annexed and executed as relative hereto.

5. Following the Inspection, a Hearing was held at 1.30 p.m. at Wellington House, Wellington Street, Glasgow, G2 2XL. The Tenant and the Landlord were both present at the Hearing. At the Hearing, both parties made statements to the Committee. Both parties acknowledged that whilst some of the works required by the RSEO as varied had been carried out, other works remained outstanding.

6. With reference to the heating, the Tenant advised the Committee that a gas engineer had called at the Property and effected a repair to the boiler which had only lasted for a short time. The

Landlord stated that he was not aware of this problem and undertook to have this matter attended to as a matter of urgency given the cold weather. The Tenant advised the Committee that the living room gas fire did not work but this was disputed by the Landlord.

7. With reference to the electrical system in the Property, the Tenant advised the Committee that an electrician had called but there were ongoing problems with the hall lighting.

8. The Landlord advised the Committee that the windows had been serviced and repaired but had not been replaced. He accepted that windows were difficult to open and close.

9. With reference to the Domestic Electrical Installation Certificate, the EICR and the Gas Safety Certificates, the Landlord advised the Committee that a Gas Safety Certificate had been obtained and submitted to the Committee, although he accepted that, the certificate had, in fact, not been submitted. The Landlord exhibited pdf copy of the Gas Safety Certificate on his phone and undertook to submit this to the Committee.

10. The parties confirmed to the Committee that relations between them had improved since the Inspection and Hearing of 22 June 2016.

#### **Findings of Fact**

11. From the Inspection, the Committee noted that items numbered 2- 9 inclusive 11 in respect of replacing the kitchen electric hob and number 13 of the RSEO as varied had been complied with. However, the remaining items numbered 1, 11, 12 and 14-18 inclusive remained outstanding.

12. With reference to item 1 of the RSEO as varied, *"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."*, the Committee found that the windows were not in proper working order.

13. With reference to item 14 of the RSEO as varied, *"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."*, the Committee was not satisfied that the heating installation is safe, functional and in proper working order.

14. With reference to items 10, 11, 12 and 15 of the RSEO as varied, no certificates had been submitted to the Committee and so it could not be satisfied that these matters had been complied with by the Landlord.

15. With reference items 16 and 17 of the RSEO as varied, *" Refurbish or replace existing cast iron gutters to the property and leave in proper working order"* and *"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.”, the Committee noted at the Inspection that these works had not been carried out.*

#### Decision of the Committee

16. The Committee’s decision was based on the Inspection and on the statements made to the Committee at the Hearing.

17. The Committee acknowledged that some of the works required by the RSEO and the RSEO as varied had been carried and that there appeared to be a willingness on the part of the Landlord to carry out the remaining works. Although the Committee was concerned that the works required to ensure that the Property is wind and watertight and otherwise reasonably fit human habitation, that the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order, and 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 are outstanding, the Committee considered that it is in best interests of the Tenant, that the Landlord be given a further opportunity to remedy matters. Accordingly, the Committee determined to vary the RSEO to allow the Landlord 4 weeks to complete the outstanding works.

18. The decision is unanimous.

#### **Right of Appeal**

19. 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. 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, Chairperson

Date 16 November 2016





33 Bon Accord Crescent, Shotts, ML7 4EA  
PRHP/RP/15/0262  
Schedule of Photographs - Inspection Date 9/11/2016  
Weather – Overcast, snow

*16 NOV 2016  
This is the schedule referred to  
in the foregoing decision.*

K Moore



1. The property



2. Living room window



3. New radiator living room



4. Dining room window



5. New porch Door



6. New electric hob



7. Hall landing window



8. Instantaneous shower unit



9. Bathroom window



10. Cracked WHB



11. Back bedroom window



12. Front bedroom window



13. Eaves level gutter



14. Eaves level gutter



15. Eaves level gutter



16. Porch gutter