



Variation of Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Ref prhp/rp/16/0095

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 ("the Act") by Joanna Seery residing at 377, Lincoln Avenue, Glasgow, G13 3LY formerly the tenant against Kimberley Dawn Munro Love residing at formerly at 101, Cloberhill Road, Glasgow and now at 98, Longridge Drive, Liverpool L30 1ST ("the Landlord")

Re: Property at 377, Lincoln Avenue, Glasgow, G13 3LY ("the Property") registered in the Land Register for Scotland under Title Number GLA85924

Committee Members

Karen Moore (Chairperson)

Mike Links (Surveyor Member)

NOTICE TO THE LANDLORD

Kimberley Dawn Munro Love residing at 98, Longridge Drive, Liverpool L30 1ST

Whereas in terms of their decision dated 27 May 2016, the Private Rented Housing Committee ("the 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 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 and the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and subsequent to that decision the Committee imposed a Repairing Standard Enforcement Order dated 27 May 2016 ("the RSEO") requiring the Landlord to carry out certain works and whereas the Committee, at the request of the Landlord, agree to vary the RSEO and allow further time for compliance, the Committee now require the Landlord to do the following:-
The Landlord must on or before 31 August 2016:-

Carry out a certificated electrical condition check (EICR) on the entire electrical installation of the

Property, by a suitably qualified and registered SELECT or NICEIC electrical contractor and carry out such repair or replacement works as recommended by that check to ensure that the electrical sockets in the kitchen are operating properly and that there are sufficient heat, smoke and carbon monoxide detectors in proper working order to comply with current regulations and provide to the Committee a certificate confirming these works have been carried out.

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 25 July 2016 before this witness, Norman William Moore, solicitor, Cumbernauld.

Norman Moore

Witness

Karen 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/16/095

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 ("the Act") by Joanna Seery residing at 377, Lincoln Avenue, Glasgow, G13 3LY formerly the tenant of the Property against Kimberley Dawn Munro Love residing formerly at 101, Cloberhill Road, Glasgow and now at 98 Longridge Drive, Liverpool L30 1 ST ("the Landlord")

Re: Property at 377, Lincoln Avenue, Glasgow, G13 3LY ("the Property") registered in the Land Register for Scotland under Title Number GLA85924

Committee Members

Karen Moore (Chairperson)

Mike Links (Surveyor Member)

This Decision should be read in conjunction with Decision dated 27 May 2016.

Background

1. Following their decision dated 27 May 2016, the Private Rented Housing Committee ("the Committee"), imposed a Repairing Standard Enforcement Order dated 27 May 2016 ("the RSEO") as follows:-

The Landlord must on or before 30 June 2016:-

Carry out a certificated electrical condition check (EICR) on the entire electrical installation of the Property, by a suitably qualified and registered SELECT or NICEIC electrical contractor and carry out such repair or replacement works as recommended by that check to ensure that the electrical sockets in the kitchen are operating properly and that there are sufficient heat, smoke and carbon monoxide detectors in proper working order to comply with current regulations and provide to the Committee a certificate confirming these works have been carried out.

2. On 9 June 2016, the Landlord submitted by email a Scottish Gas Checklist to the Committee.
3. A Re-inspection was fixed for 14 July 2016 and the date intimated to the Landlord. The Landlord submitted a written representation that the RSEO had not been complied with, that she was unable to attend or arrange or access for the Re-inspection and that she wished further time to comply. The Landlord also advised the Committee that the Property was un-let and would not be re-let in future. The Landlord intimated that she was not in a financial situation to carry out works to the Property.
4. Committee had regard to the written representation and took the view that the works

required were a matter of health and safety to future occupants. Whilst the Committee accepted that the Landlord had no immediate plans to re-let, the Committee could not rule this out as a possibility in the future. The Committee were of the professional opinion that the cost of the works required by the RSEO was not likely to be excessive or prohibitive. However, as access would not be available for the Re-inspection the Committee determined to adjourn the Re-inspection fixed for 14 July and to vary the RSEO timescale to allow the Landlord further time to comply.

5. This decision is unanimous.

Right of Appeal

6. 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.
7. 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

Karen moore, Chairperson

Date 25 July 2016