



Determination by Private Rented Housing Committee

Statement of Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 24(1) of the Housing (Scotland) Act 2006

Case Reference Number: PRHP/RP/15/0219

Re: Property at 28 Mathers Avenue, Whitburn, Bathgate, EH47 0NA

The Parties:-

Ms Kathleen Moore, formerly residing at 28 Mathers Avenue, Whitburn, Bathgate, EH47 0NA ("**the former Tenant**")

Mr Niel Jorgenson c/o Matriix Management Ltd, having place of business at 132 St Stephen Street, Edinburgh, EH3 5AA ("**the Landlord**")

Land Register No: WLN6770

The Committee comprised:-

- | | |
|------------------|-------------------|
| Mr James Bauld | - Chairperson |
| Mr Michael Links | - Surveyor member |

Decision:-

The Committee unanimously decided that the property complied with the repairing standard set out in section 14 of the Housing (Scotland) Act 2006 ("the 2006 Act") and that the landlord had not failed to comply with any of the duties imposed upon the landlord by section 14 of the same Act and that the application should be dismissed.

Background:

1. By application dated 4th August 2015, the tenant made application to the Private Rented Housing Panel for a finding that the property at 28 Mathers Avenue, Whitburn, Bathgate, EH47 0NA did not meet the repairing standard.
2. On 9th October 2015 the members of the Committee attended at the property and carried out an inspection. Subsequently they held a hearing. Subsequent to that hearing they issued at direction requiring the landlord to produce copies of certain documents, namely an Electrical Installation Condition Report and a Certificate under the Gas Safety (Installation and Use) Regulations.

3. The landlord sent an email dated 3rd December 2015 to the clerk of the Committee. The email had attached to it a copy of an Electrical Installation Condition Report dated 19th October 2015 and a Certificate under the Gas Safety Installation and Use Regulations dated 10th July 2015.
4. The Committee considered these documents and determined that they met the requirements of the direction which had been previously issued.
5. Accordingly the Committee took the view that there was no evidence to support any of the allegations made by or on behalf of the tenant. The tenant had vacated the property prior to the inspection and the Committee, in their initial direction, had determined that the application should proceed notwithstanding that the tenant had terminated the tenancy.
6. The Committee having inspected the property, and having perused the documents produced by the landlord, took the view that the property was generally in a reasonable state of repair and that it met the repairing standard.
7. The Committee accordingly decided unanimously to dismiss the application.

Rights of Appeal

8. 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.
9. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

Effects of Section 63

10. 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.
11. 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.

James Bauld

Sign

Date *22 January 2016*

Jam **Nicola Caldwell**

Signature of Witness

Date *22 January 2016*

Name: *NICOLA CALDWELL*

Address: 7 West George Street, Glasgow, G2 1BA

Designation: *COURT ADMINISTRATOR*