



**Statement of decision of the Housing and Property Chamber under
Section 26(2) of the Housing (Scotland) Act 2006**

Chamber Ref: PRHP/RP/16/0197

**Re: Property at 9/4 Northfield Grove, Edinburgh EH8 7RN (“the
Property/the house”)**

The Parties:-

**Miss Briggette Sally Harrison, residing at 9/4 Northfield Grove,
Edinburgh EH8 7RN (“the Tenant”)**

**Kenneth Eadie, residing at 11 Hosie Rigg, Edinburgh EH15 3RX (“the
Landlord”)**

**Tribunal Members: George Clark (Legal Member/Chair) and David
Godfrey (Ordinary Member/surveyor)**

Decision

**The Tribunal, having made such enquiries as it saw fit for the purposes
of determining whether the Landlord has complied with the Repairing
Standard Enforcement Order (“the Order”) in respect of the Property
made on 24 August 2016, was unable to gain access to the Property and
determined that the Order should remain in place.**

Background

- 1. By application received on 18 May 2016, the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”).**
- 2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard.**
- 3. The Private Rented Housing Committee inspected the Property on the afternoon of 13 July 2016. The Committee comprised George Clark (Chair) and David Godfrey (surveyor member).**

4. Following the inspection of the Property the Private Rented Housing Committee held a hearing at George House, 126 George Street, Edinburgh EH2 4HH and heard from both the Tenant and the Landlord.
5. Following the inspection and hearing, the Committee issued a Repairing Standard Enforcement Order ("the Order") in respect of the Property.
6. The Order required the Landlord to repair or replace all the kitchen cupboards and units, including cupboard doors, so that they are in a reasonable state of repair and in proper working order
7. The Private Rented Housing Committee ordered that the works specified in the Order must be carried out and completed within the period of 4 weeks from the date of service of Notice of the Order.
8. The surveyor member of the Committee reinspected the Property on the afternoon of 31 October 2016. He reported that the Tenant had vacated the Property, which appeared to have been re-let to another party.
9. A copy of the Reinspection Report was sent to the Parties, who were given an opportunity to comment in writing on its contents. Neither party made any written representations on the Reinspection Report.
10. The jurisdiction of the Private Rented Housing Committee was transferred to the Housing and Property Chamber of the First-tier Tribunal for Scotland with effect from 1 December 2016.
11. The Tribunal members were George Clark (Legal Member/Chair) and David Godfrey (Ordinary member/surveyor).
12. The Tribunal held a hearing at George House, 126 George Street, Edinburgh EH2 4HH on the morning of 21 December 2016. Neither the Landlord nor the Tenant was present or represented at the hearing.
13. The Tribunal considered the contents of the Reinspection Report and noted that, while various repair works had been carried out to the kitchen cupboards and units, a number of the fittings were showing signs of deterioration, a number of door handles were loose, a number of drawers did not run freely and parts of the fittings were missing.
14. The Tribunal accordingly determined that the Landlord had failed to comply with the Repairing Standard Enforcement Order in respect of the Property.
15. Having notified the Landlord of the date set for a reinspection of the Property, the Tribunal arrived to reinspect the Property on the morning of 16 April 2018. The Landlord was neither present nor represented, and the Tribunal was unable to gain entry despite giving three audible knocks on the entrance door.

16. A copy of the Reinspection Report is attached to and forms part of this Statement of Decision.
17. Following the attempted reinspection, the Tribunal held a hearing at Riverside House, 502 Gorgie Road, Edinburgh EH11 3AF. The Landlord was neither present nor represented at the hearing. The Tenant, having vacated the Property, was not present at the hearing.

Summary of the issues

18. The issue to be determined was whether the Landlord had complied with the Order.

Findings of fact

19. The Committee finds the following fact to be established:-
- The Tribunal members could see through the kitchen window of the Property that it appeared to be unoccupied, but could not determine from such external visual inspection whether the Landlord has carried out any further repair works to the kitchen cupboards and units, including cupboard doors.

Reasons for the decision

20. The Tribunal was unable to inspect the Property, so was unable to determine whether the outstanding works in the Repairing Standard Enforcement Order have been carried out.

Decision

21. The Tribunal accordingly determined that the Repairing Standard Enforcement Order in respect of the Property should remain in force.
22. The decision of the Tribunal was unanimous.

G Clark

Signed
Legal Member/Chair

.....Date 16 April 2018