



## Determination by Private Rented Housing Committee

### Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006

Reference number:- PRHP/RT/16/0257

**Re: Flat 0/1, 8 Westmorland Street, Govanhill, Glasgow, G42 8LD**, being the subjects registered in the Land Register of Scotland under Title Number GLA102397 ("the property")

The Parties:-

Mrs Bushra Parveen, residing at 21 Dumbreck Road, Glasgow, G41 5L (per her agent Mr Sajid Hussein also residing at 21 Dumbreck Road, Glasgow, G41 5LJ ("the Landlord)

And

Glasgow City Council, having a place of business at 79 Copelaw Street, Govanhill, Glasgow, G42 7JG (the Third Party Applicant)

#### Decision

The Private Rented Housing Committee ("the Committee"), having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the property concerned and, taking account of the evidence submitted by the Third Party Applicant and the Landlord in writing, determined that the Landlord has **not** failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

#### The Committee

The Committee consisted of:-

Mr Andrew Cowan – Chairperson  
Mr Andrew Taylor - Surveyor Member

#### Background

1. By an application received by the Private Rented Housing Panel ("the Panel") on 29 July 2016 the Third Party Applicant applied to the Panel for a determination as to whether the Landlord had failed to comply with the duties imposed by Section 14(1) (b) of the Act.
2. The Third Party Applicants are (in terms of Section 22(1) (b) of the Act) a party who may apply to the Panel for a determination as to whether the Landlord has failed to comply with the duty imposed by Section 14(1)(b) of the Act.

3. The Third Party Applicant has stated, within the application, details as to why they consider the Landlord has failed to meet the repairing standard. They have provided details of the nature of the work which they consider requires to be completed by the Landlord to ensure that the Property meets the repairing standard. The Third Party Applicant has intimated to the Landlord a list of defects which they considered the Landlord requires to repair in order to bring the Property up to the repairing standard. A summary of the issues brought forward by the Third Party Applicant and, which have been intimated to the Landlord are:-
  - (a) There is no satisfactory provision for detecting fires or for giving warning in the event of fire or suspected fire and
  - (b) There is no satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
4. Following receipt of the application the Panel wrote to the current tenant of the property, Mr Walayat Khalid. The Tenant was advised that he would be regarded as an interested party in the application and that he could be treated as a participating party should he so wish. The Tenant did not respond to the letter from the Panel in this respect. The Tenant continues to be regarded as an interested party in relation to the application.
5. On 22<sup>nd</sup> September 2016 a Notice of referral, Inspection and Hearing was served upon the Landlord, the third Party applicant and the Tenant (as an interested party). All parties were advised that the Committee intended to inspect the Property on 2<sup>nd</sup> November 2016. The parties were further advised that a hearing would be held by the Committee in relation to the application on 2<sup>nd</sup> November 2016 after the Committee had inspected the Property. In terms of the Notice of Referral issued to the parties, parties were required to make any written representations or a request to make oral representations to the office of the Panel by 13<sup>th</sup> October 2016.

#### **Identity of Landlord**

6. In the Application the Landlord of the Property was identified as Mr Amarik Singh Uppal. Following receipt of the application the PRHP sought clarification from the Third Party Applicant as to the identity of the Landlord. The current registered owner of the Property is Mrs Bushra Parveen. It was ascertained that Mr Amarik Uppal is not the owner of the Property or the Landlord of the Property. A copy of the application as lodged by the Third Party Applicant was intimated upon Mrs Bushra Parveen.
7. A copy of the lease between the Landlord and the Tenant was exhibited to the Committee. The Committee noted that in terms of the lease between the parties, the Landlord was identified as Mr Sajid Hussein. A copy of the application was also intimated by the PRHP upon Mr Hussein.

8. At the time of the inspection of the Property the Landlord was represented by Mr Sajid Hussein. It was explained to the committee that Mr Hussein was the husband of Mrs Parveen and he was representing Mrs Parveen in relation to her interests. Mr Hussein confirmed that Mr Parveen remains the owner of the Property. The Committee are accordingly satisfied that for the purposes of this application Mrs Bushra Parveen should be properly recognised as the owner and Landlord in connection with the application.

### **The Inspection**

9. The Committee proceeded with an inspection of the Property on 2 November 2016. The inspection was attended by members of the Committee. The Landlord was represented at the inspection by her husband Mr Sajid Hussein. The Tenant was also present at the time of the inspection. The Third Party applicant did not attend the inspection.
10. Photographs were taken during the inspection by the Committee. Copies of the photographs taken by the Committee are attached as a schedule to this report.
11. At the inspection the Committee noted the following points.
  - (a) A new fire safety equipment including smoke detectors and a heat detector had recently been installed in the property; and
  - (b) A carbon monoxide detector had recently been installed in the kitchen of the Property.
12. At the inspection the Landlord's representative explained that the fire safety equipment and carbon monoxide detectors had been installed in the Property at the beginning of October. Installations had therefore taken place after the Third Party applicant had raised the current application. It was evident to the Committee that the recent works carried out by the Landlord at the Property ensured compliance with current regulations and, in particular, ensured that the Property now met the repairing standard in relation to the matters which had been complained of by the Third Party Applicant in their original application.
13. Given that the issues which had been complained of by the Third Party Applicant had been complied with and, given that the Third Party Applicant had indicated in writing that he did not wish to attend a hearing, the Committee took the view that it was no longer necessary to hold a hearing in relation to the application. Both the Landlord's representative and the Tenant were satisfied that all work was completed and the Committee were also so satisfied.

### **Decision**

14. The Committee were satisfied, on the basis of their observations that the Landlord had taken steps to address the issues which had been raised by the Third Party Applicant and, as at the

date of the inspection, the Property met the repairing standard in relation to the issues complained of by the Third Party Applicant.

15. Having inspected the Property, the Committee determined that there was no evidence of any continuing failure by the Landlord to maintain the Property at the repairing standard. The Committee therefore determined that the Landlord had not failed to comply with the duties imposed in Section 14(1)(b) of the Act.
16. The decision of the Committee was unanimous.

**Right of Appeal**

17. 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.

**Effect of section 63**

18. 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.

# A Cowan

Signed  
Andrew Cowan Chairperson

Date 9 November 2016

# R King

Robina King, Secretary, 7 West George Street, Glasgow, G2 1BA

Witness

9 NOVEMBER 2016



Flat 0/1, 8 Westmoreland Street, Govanhill, Glasgow, G42 8LD  
PRHP/RP/16/0257  
Schedule of Photographs - Inspection Date 2/11/2016  
Weather – Dry and sunny



1. The Property



2. Hard wired smoke detector - hall



3. Hard wired smoke detector – living room



4. Hard wired heat detector - kitchen



5. Carbon monoxide detector - kitchen



6. Gas central heating boiler - kitchen