



**Rent Relief Order**  
**Ordered by the Private Rented Housing Panel**

**PRHP/RP/15/0142**

**Title Number: MID90259**

**Re: The residential dwellinghouse at**

**2/7 Lindsay Road  
Edinburgh  
EH6 4EP**

**("the Property")**

**The Parties:-**

**Mrs Sara Cowan resident at the Property**

**("the Tenant")**

**and**

**Mr Dalwinder Singh and Mr Gurmet Kaur Singh  
74 Parkgrove Drive  
Edinburgh  
EH4 7QF**

**("the Landlords")**

**NOTICE TO THE LANDLORDS**

Whereas in terms of their decision dated 28 July 2015, the Private Rented Housing Committee ("the Committee") determined in terms of section 26(1) of the Housing (Scotland) Act 2006 ("the Act") that the Landlord had failed to comply with the Repairing Standard Enforcement Order in relation to the Property.

The Committee has determined to make a Rent Relief Order in terms of section 27 of the Act reducing the rent payable by the Tenant under the Tenancy Agreement by an amount of 20% of the rent which would, but for the Rent Relief Order, be payable. The reduction in rent will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the Act.

**A Landlord or Tenant aggrieved by the decision of a PRHP 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 the Order is suspended until the appeal is abandoned or finally determined. 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 the decision confirmed.

In witness whereof this and the preceding page is subscribed by Ronald G Handley, Solicitor, Chairperson of the Committee at Dunbar on 22 July 2016 before this witness:-

**J Handley**

**R Handley**

Witness

Chairperson

JANE HANDLEY

Name in full

23 LESLIE WAY

Address of witness

DUNBAR EAST LODGE



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

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**Mr Dalwinder Singh and Mr Gurmet Kaur Singh  
74 Parkgrove Drive  
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EH4 7QF**

**("the Landlords")**

**The Committee comprised:**

**Mr Ron Handley – Chairperson  
Ms Susan Napier, Surveyor Member  
Ms Sally Wainwright – Housing Member**

**The Committee's Decision**

In accordance with their decision dated 28 July 2015, the Private Rented Housing Committee ("the Committee") determined in terms of section 26(1) of the Housing (Scotland) Act 2006 ("the Act") that the Landlord had failed to comply with the Repairing Standard Enforcement Order in relation to the Property and the Committee determined to make a Rent Relief Order in terms of section 27 of the Act reducing the rent payable by the Tenant under the Tenancy Agreement.

## **Background**

1. On 30 April 2015 the Tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Act.
2. On 5 June 2015 the President of the PRHP referred the application to the Committee.

## **The Application**

3. In her application the Tenant alleged that the Landlords had failed to comply with the duty to ensure that the Property met the Repairing Standard (as defined in the Act). It was submitted that:
  - the Landlords had failed to ensure that the Property was wind and water tight and, in all other respects, reasonably fit for human habitation;
  - some of the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water were not in a reasonable state of repair and not in proper working order;
  - some of the fixtures, fittings and appliances provided under the Tenancy Agreement were not in a reasonable state of repair or in proper working order.
4. In particular it was submitted that:
  - the bedroom window did not lock properly and the Tenant was unable to get fresh air into the room;
  - the bottom of the fridge had a deep crack in it, a freezer box was missing and the other freezer drawer was cracked and had sharp edges;
  - the cisterns in both WC's did not refill (with water) and had to be refilled manually.

## **The Inspection/Hearing**

5. The Committee inspected the Property at 10.00 hrs on 24 July 2015. Mrs Cowan and Ms Gail Dickson (her support worker) were present at the inspection. Mrs Cowan's son was also in the Property at the time of the inspection. The Landlords did not attend the inspection and were not represented
6. A Hearing was arranged to take place after the inspection at 11.30 hrs in George House, 126 George Street, Edinburgh, EH2 4HH. The Committee noted that the Tenant had previously intimated that she would not be

attending the Hearing and she confirmed this in the course of the inspection. The Landlords did not attend the Hearing venue and consequently the Hearing did not proceed.

## **Findings**

7. The Committee found the following facts to be established:
  - The Property is a three bedroomed flat located on the second floor at 2/7 Lindsay Road, Edinburgh, EH6 4EP.
  - The Tenant and the Landlords previously entered into a Tenancy Agreement that related to the Property.
  - The window in the main bedroom (the bedroom which has en-suite facilities) does not open and close properly and requires to be repaired or replaced.
  - The internal casing of the fridge unit has a crack in it and requires to be repaired or replaced. A drawer in the freezer unit is missing and the other freezer drawer is cracked and has sharp edges. The drawers in the freezer require to be replaced.
  - The cisterns in both WC's within the Property refill with water after use and are both in proper working order.
8. The Committee found that the Repairing Standard had not been met and the Committee proceeded to make a Repairing Standard Enforcement Order.

## **The Re-inspection**

9. The Surveyor Member of the Committee re-inspected the Property on 18 September 2015 and, having done so found that although some remedial works had been carried out, the internal casing of the fridge unit had not been repaired or replaced. Furthermore the drawer in the freezer unit was still missing and the other freezer drawer was cracked and still had sharp edges.
10. A copy of the Re-inspection Report was issued to both parties with a request that they advise the Committee if they had any comments to make. Although a response was received from the Landlords, the response did not provide any explanation as to why there had been a failure to repair to or replace of the fridge/freezer.

## **The Rent Relief Order**

11. Following the Re-inspection, a number of e-mails were sent to the Landlords reminding them that the RSEO had not been complied with and that a Completion Certificate would not be issued until the remedial works had been properly completed. However as at the date of this Statement of

Reasons the repair or replacement of the fridge/freezer had not been carried out. Consequently the Committee determined that it was appropriate to make a Rent Relief Order in terms of section 27 of the Act reducing the rent payable by the Tenant under the Tenancy Agreement by an amount of 20% of the rent which would, but for the Rent Relief Order be payable.

12. The decision of the Committee was unanimous.

### **Right of Appeal**

13. A Landlord(s) or Tenant(s) aggrieved by the decision of a PRHP Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

### **Effect of section 63 of the Act**

14. 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. 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.

Signed ..... **R Handley** ..... Date 22 July 2016  
Chairperson