



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Ref PRHP/RT/16/0266

Property 9 Hollybush Avenue, Glenburn, Paisley, PA2 8SD being the subjects registered in the land Register of Scotland under Title Number REN 64302 ('the Property')

Renfrewshire Council., Renfrewshire House, Cotton Street, Paisley, PA1 1BR ('the Third Party Applicant')

Hugh Mulgrew residing at 13 Main Street, Dalrymple, Ayr, KA6 6DF ('the Landlord')

Ms Nicola Glen residing at 9 Hollybush Avenue, Glenburn, Paisley, PA2 8SD ('the Tenant')

The Committee members are Jacqui Taylor (Chairperson) and Lorraine Charles (Surveyor Member).

NOTICE TO The said Hugh Mulgrew

Whereas in terms of their decision dated 23rd November 2016, the Private Rented Housing Committee determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlord has 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 proper working order.

The Private Rented Housing Committee requires the Landlord to provide a compliant Gas Safety Certificate to the PRHP Committee by **12th December 2016**.

A landlord or a 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.

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 are subscribed at Irvine on 23rd November 2016 by Jacqui Taylor, chairperson of PRHP, 65, High Street, Irvine in the presence of the witness Keirsten Byrne, 65, High Street, Irvine.

J. Taylor

Signed..... Date 23rd November 2016
Chairperson

K Byrne

.....witness



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

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Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlords have complied with the duty imposed by Section 14 (1)(b) in relation to the Property, determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. The Third Party Applicant applied to the Private Rented Housing Panel for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The application stated that they considered that the Landlord has failed to comply with their duty to ensure that the Property meets the repairing standard. They advised that the structure and exterior of the Property (including drains, gutters and external pipes) are not in a reasonable state of repair and in proper working order; the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and proper working order, any fixtures, fittings and appliances provided by the landlord are not in a reasonable state of repair and proper working order; Any furnishings provided by the landlord under the tenancy are not capable of being used safely for the purposes for which they are designed; the Property does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and the Property does not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

In particular the application stated:-

- 2.1 The toilet cistern is defective and the toilet cannot easily be flushed.
- 2.2 The wall bracket to hold the showerhead is missing and the temperature of the water to the shower cannot be controlled.
- 2.3 There is no gas safety certificate.
- 2.4 There is no hard wired fire detection system in the Property.
- 2.5 The carbon monoxide detector is positioned above the back door.
- 2.6 The cupboard doors of the electrical cupboard are defective.
- 2.7 There is a hole at the entrance step to the front door due to missing cement.
- 2.8 The wooden boundary fence to the front of the Property is defective.

The application also stated that the Tenant of the Property is Ms Nicola Glen residing at the Property. ('The Tenant').

3. The Inhouse convenor of the Private Rented Housing Panel, having considered the application, comprising documents received on/between 8th August 2016 and 1st September 2016 referred the application under Section 22 (1) of the Act to a Private Rented Housing Committee.

4. The Committee members were Jacqui Taylor (Chairperson) and Lorraine Charles (Surveyor Member).

5. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord, Renfrewshire Council and, for information purposes, on the Tenant.

6. The Committee attended at the Property on 17th November 2016. The property is a ground floor quarter villa which dates from circa 1950. The Tenant was present at the inspection. She explained that the Landlord had recently completed the majority of the required repairs.

The Committee inspected the alleged defects and found:-

6.1 The toilet cistern is defective and the toilet cannot easily be flushed.

A new W.C and cistern has been installed and the Tenant confirmed that it works properly.

6.2 The wall bracket to hold the showerhead is missing and the temperature of the water to the shower cannot be controlled.

A new mains shower unit has been installed and the Tenant confirmed that it works properly.

6.3 There is no gas safety certificate.

The Tenant explained that the Landlord's electrician had carried out the necessary checks but she had not been provided with the Gas Safety Certificate.

6.4 There is no hard wired fire detection system in the Property.

A new hardwired fire detection system had recently been installed. Smoke detectors had been installed in the hall and living room and a heat detector had been installed in the kitchen. The surveyor member of the Committee tested the alarms and established that they work properly.

6.5 The carbon monoxide detector is positioned above the back door.

The boiler is located in a wall mounted unit on the kitchen wall. A carbon monoxide alarm had been fitted to the top of the unit.

6.6 The cupboard doors of the electrical cupboard are defective.

The Tenant explained that when the Landlord's contractor called at the property to carry out the works they were required to fit the cupboard doors. However she did not have time to retrieve the doors from the back of a cupboard and therefore she was responsible for the fact that they had not been fitted.

6.7 There is a hole at the entrance step to the front door due to missing cement.

The Committee saw that the gap between the threshold and the top step had been filled with what appeared to be a plastic type of filler and the top step was secure.

6.8 The wooden boundary fence to the front of the Property is defective.

The upright wooden slats of the wooden fence to the front of the property had been made secure.

Photographs were taken during the inspection and are attached as a Schedule to this report.

7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Wellington House, Wellington Street, Glasgow, G2 2XL.

The Tenant and the Landlord did not attend the hearing and were not represented. Bernedette Kettle, Health Enforcement Officer of Renfrewshire Council, and Calum Keenan, Environmental Health Officer of Renfrewshire Council, attended the hearing.

Bernadette Kettle and Calum Keenan explained that they had last inspected the Property in July and have not seen any recent repairs. They also advised that they have not been provided with the Gas Safety Certificate.

8. Summary of the issues

The issues to be determined are:-

8.1 The structure and exterior of the house (including drains, gutters and external pipes) are not in a reasonable state of repair and in proper working order (Sections 13(1) (b) of The Housing (Scotland) Act 2006).

Whether the gap between the threshold at the front door and the step has been repaired to render it in a reasonable state of repair and proper working order.

Whether the fence has been repaired to render it in a reasonable state of repair and proper working order.

8.2 That the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order (Section 13(1)(c) of The Housing (Scotland) Act 2006).

Whether the toilet, boiler and other gas appliances in the Property are in a reasonable state of repair and proper working order.

8.3 Any fixtures, fittings and appliances provided by the Landlord under the tenancy are not in a reasonable state of repair and in proper working order (Section 13(1)(d) of The Housing (Scotland) Act 2006).

Whether the shower is in a reasonable state of repair and proper working order.

Whether cupboard doors of the electrical cupboard are in a reasonable state of repair and proper working order and whether the Tenant is responsible for the fact that they have not been repaired by the Landlord.

8.4 That the Property does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and the Property does not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health (Section 13(1)(f) and (g) of The Housing (Scotland) Act 2006).

Whether the Property has satisfactory provision of smoke, heat and CO2 detectors.

9. Findings of fact

9.1 The structure and exterior of the house (including drains, gutters and external pipes) are not in a reasonable state of repair and in proper working order (Section 13(1) (b) of The Housing (Scotland) Act 2006).

The Committee determined that (1) the gap between the threshold at the front door and the step has been repaired satisfactorily to render it in a reasonable state of repair and properworking order, although they were concerned that the repair may not last long as cement had not been used, and (2) the fence has been repaired to render it in a reasonable state of repair and properworking order.

9.2 That the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order (Section 13(1)(c) of The Housing (Scotland) Act 2006).

The Committee determined that the toilet had been satisfactorily replaced and it is now in a reasonable state of repair and proper working order. However as no Gas Safety Certificate had been produced to the Committee they could not determine if the boiler and gas appliances in the Property are in a reasonable and safe condition.

9.3 Any fixtures, fittings and appliances provided by the Landlord under the tenancy are not in a reasonable state of repair and in proper working order (Section 13(1)(d) of The Housing (Scotland) Act 2006).

The Committee determined that the shower is in a reasonable state of repair and proper working order.

The Committee also determined that as the cupboard doors of the electrical cupboard are detached they are not in a reasonable state of repair and proper working order. However they accepted the Tenant's account that she is responsible for the fact that they have not been repaired by the Landlord.

9.4 That the Property does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire and the Property does not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health (Section 13(1)(f) and (g) of The Housing (Scotland) Act 2006).

The Committee acknowledged that the statutory guidance requires:

- One functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes.
- One functioning smoke alarm in every circulation space, such as hallways and landings.
- One heat alarm in every kitchen.
- All alarms should be interlinked.
- One CO detector in every space containing a fixed combustion appliance.

The Committee determined that the Property does have satisfactory provision for detecting fires and for giving warning in the event of fire as hardwired and inter connected smoke alarms had been installed in the hall and living room and a heat detector had been installed in the kitchen.

The Committee also determined that the Property does have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous for health as a carbonmonoxide alarm had been correctly installed in the kitchen.

Decision

10. The Committee accordingly determined that the Landlord had failed to comply with the duties imposed by Sections 13 (1)(c) of the Act, as stated.

11. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1).

12. The decision of the Committee was unanimous.

Right of Appeal

13. 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

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, 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.

Signed **J Taylor**
Chairperson

..... Date 23rd November 2016

Property Inspection Report

RT/16/0266

17th November 2016 at 2.30pm

Weather dry and cold



9 Hollybush Avenue

Glenburn

Paisley

PA2 8SD

Overview

Location

The subjects are located within a settled residential area of Glenburn where surrounding properties are of a similar style and age.

Description

The subjects comprise a ground floor cottage flat in a two storey property being one of four with main door entry.

Internal inspection

Bathroom



New toilet fitted



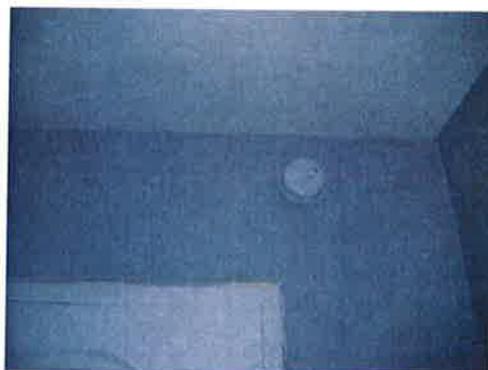
New shower head bracket and new mixer shower fitted

Hall



Hardwired smoked detectors fitted

Lounge



Kitchen



Heat Detector fitted



Carbon Monoxide Detector fitted

Hall Cupboard



Door to cupboard missing, tenant unable to produce door to be rehung by contractor.

External step



Repair carried out to step, however the durability of the repair cannot be comment on as the product used to repair is unknown.

Boundary fence to front of property



The fence has been repaired using original timber.