

Determination by the Private Rented Housing Committee

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

ref: PRHP/EH7/60/12

Re: Property at 95 Sleigh Drive, Edinburgh EH7 6EP ("the Property")

The Parties:-

Shafqat Ali, 2/3 Hermitage Place, Edinburgh EH6 8AF ("the Landlord")

Natalie Cassidy, formerly 95 Sleigh Drive, Edinburgh (former Tenant)

Decision

The Committee, having made such enquiry as it sees fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14(1)(b) of the said Act in relation to the property concerned, and taking account of the whole written and oral evidence determines that the Landlord has complied with the duty imposed by Section 14(1)(b) of the Act and dismisses the Tenant's application.

Background

1. By application dated 6th March 2012 the Tenant applied to the Private Rented Housing Panel for a determination as to 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 she considered the Landlord had failed to comply with the duty to ensure the property met the repairing standard and brought forward the following alleged breaches of Section 13:-
 - Mould and dampness throughout the property
 - Leaking and broken gutter fixings.
 - Gaps in floorboards in boiler cupboard.

- Broken electrical sockets
 - Broken security lights
 - Fumes from radiator paint
 - Exterior wall gap
3. The Private Rented Housing Committee served a Notice of Referral dated 29th March 2012 under and in terms of Schedule 2, Paragraph 1 of the Act on both the Landlord and the Tenant.
 4. Both parties submitted further written information.
 5. The Private Rented Housing Committee received notification the tenancy had lawfully terminated prior to the determination of this application and accordingly Miss Cassidy is no longer a party to these proceedings.
 6. On 17th May 2012 a Minute of Continuation was issued to the Landlord confirming that, because of the nature of the alleged breaches of the repairing standard, the Committee would continue to pursue the application in the public interest.
 7. The Private Rented Housing Committee inspected the property on the morning of the 26th July 2012. The Committee comprised Mrs. Anne McCamley (Chairman), Mr. Robert Buchan (Surveyor Member) and Mr. Chris Harvey (Housing Member). The Landlord attended at the property and the Committee made the inspection by courtesy of the new tenants Mr. & Mrs. McLeish.
 8. Following the inspection the Private Rented Housing Committee held a Hearing at Leith Community Centre. The Landlord's wife attended to represent the landlord.
 9. The Landlord's wife indicated unhappy differences had arisen between the Landlord and the Tenant. She advised that she and her husband let other properties in the City and considered themselves to be responsible Landlords. She indicated that repairs were carried out promptly. No repairs of any significance had been required at the subject property and the property is in

substantially the same condition as it was at the date of the application. The Committee thanked Ms. Ali for her statement and retired to determine the application.

10. Having inspected the property and taken account of the whole oral and written evidence and thereafter being guided by the Committee's professional Surveyor Member the Committee is satisfied any work which may have been required in terms of the application has been completed. No instrumental moisture meter readings of any significance were registered. The gutters appear to be in a good state of repair. The security light is operative. Any gap in the expansion joint in the exterior wall has been sealed. The committee did note a floorboard in the cupboard housing the boiler has not been replaced however the Committee do not consider this to be of any significance in terms of the repairing standard. The Committee also noted that the cover for an aerial socket in the living room has become detached. Again the Committee felt this was not a matter upon which they wished to adjudicate. The radiators in the property were not operative on the date of the inspection and it had been explained by the Landlord that the Tenant had painted the radiators and it may be that the smell of the paint drying constituted the unpleasant fumes of which the former tenant complained. The current tenant had no complaints as regards the state of the property.

11. The Committee accordingly determines that the Landlord has complied with the duty imposed by Section 14(1)(b) of the Act.

12. The decision of the Committee is unanimous.

Right of Appeal

13. **A Landlord or Tenant aggrieved by the decision of the Private Rented Housing Committee may apply to the Sheriff by summary application within 21 days of being notified of that decision.**

A McCamley

Chairman RRHP
26/7/12