

Determination by the Private Rented Housing Committee under section 24(1) of the Housing (Scotland) Act 2006

Ref PRHP/RP/14/0048

Re: Property at 32/1 Orwell Terrace Edinburgh EH11 2DT

Landlord: Mr David Milloy and Mrs Fiona Milloy

Tenant: The tenancy of the applicant tenant has lawfully ended.

Decision:

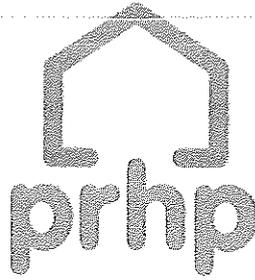
The Committee, having made such enquiry as it sees fit for the purposes of determining whether the landlord has complied with the duty imposed by Section 14(1)(b) of the said Act in relation to the property, and having taken account of the whole evidence, determines that the landlord complies with the duty imposed by Section 14(1)(b) of the Act.

Background:

By application dated 13/2/14 the then 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 Act.

The application by the tenant stated he considered the landlord had failed to comply with the duty to ensure the property met the repairing standard and (read short) brought forward the following alleged breaches:-

- a) The immersion heater is not in working order
- b) The kitchen heater is not in working order

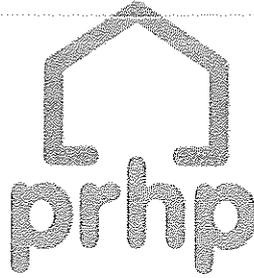


- c) The chimney is broken
- d) The vacuum, the doorbell, the dining chairs and stools are broken.

The tenancy lawfully expired on 31/5/14 and, accordingly, under Schedule 2 paragraph 7(1) of the Act, the tenant is to be treated as having withdrawn his application. On 20th June 2014 the President of the Private Rented Housing Panel issued a Minute of Continuation in terms of Schedule 2 paragraph 7 (2) of the Act. The President considered the application should be determined on public interest grounds due to the nature of the alleged repairs which, potentially, raised health/safety concerns for any future tenants.

The Private Rented Housing Committee comprising Mrs A McCamley (Chairman) Mr I Murning (Surveyor) and Mr S Campbell (Housing Member) along with Mr L McGuire (clerk) and Mrs A MacDonald (Observer) inspected the property on the morning of 20th August 2014.

The landlord was present at the inspection. In written submission to the panel, and at the inspection, the landlord explained that when the applicant tenant terminated the tenancy the property had been stripped, a new kitchen with appliances had been installed as well as a new bathroom suite and the provision of an unvented hot water system. The property is currently being let on an unfurnished basis. The property comprises a two bedroom ground flatted dwellinghouse in the Gorgie/Dalry area of the city.



The Committee inspected the property and took account of the written and oral evidence. Thereafter, and being guided by their surveyor member the Committee found the following matters to be established:

- a) The property has recently been refurbished to a high standard.
- b) The water heating system has been replaced and the electric water and space heating system is deemed to be safe and efficient.
- c) The property is let unfurnished.
- d) The property does not have a chimney.
- e) The doorbell was heard to work properly.

At the conclusion of the inspection the surveyor member indicated there were no public safety issues to consider and the Committee concurred. Any problems which may or may not have been present as at the date of the former tenant's application to the Private Rented Housing Panel were not evidenced at our inspection today.

The task of the Committee today is to determine whether or not the landlord has complied with his duties in terms of section 14 of the said Act. From our inspection and on the basis of our findings above we are completely satisfied the landlord has fulfilled his obligations and duties in terms of Statute. The decision of the Committee is unanimous.

A McCamley

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Chairman of the Private Rented Housing Panel

20/8/2014