



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

prhp Ref: KY7/171/12

Re : Property at 49 Elrick Park, Fife, KY7 6UB ("the Property")

Land Registration Title Number: FFE97908

### The Parties:-

Mrs Lydia Ashby, formerly of 49 Elrick Park, Glenrothes, Fife represented by Ms Brenda Bain, Frontline Fife Housing Advice Team, Home4Good, 34 Commercial Road, Leven ("the Tenant")

Mr William Beveridge, 10 Reid Avenue, Crossgates, Fife ("the Landlord")

### Decision

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) in relation to the house concerned, and taking into account all the evidence lodged and based on the inspection made, determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

### Background

1. By application dated 18 September 2012 the Tenant applied to the Private Rented Housing Panel for a determination of 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 that the Landlord had failed to ensure that:- the house is wind and water tight and in all other respects reasonably fit for human habitation, that the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order and that any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order.
3. The President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
4. The Private Rented Housing Panel then received confirmation from the Tenant that the tenancy of the house had been lawfully terminated, and accordingly under Schedule 2 paragraph 7(1) of the Act, the Tenant is to be treated as having withdrawn the application. Under Section 22(1) of the Act, the President of the Private Rented Housing Panel then considered whether the application should be determined or whether it should be abandoned, all in terms of Schedule 2 paragraph 7(2) of the Act. The President decided to continue to determine the application on public interest grounds due to the nature of the alleged repairs which raise health and safety concerns for any future Tenant.

5. The Private Rented Housing Committee (comprising Mrs Judith Lea, Chairman and Legal Member, Scott Campbell, Housing Member and Geraldine Wooley, Surveyor Member) inspected the Property on 27 March 2013.
6. The Tenant was not present or represented. The Landlord was personally present at the inspection.
7. Following the inspection of the Property, a hearing had been scheduled for 11am at Collydean Community Centre, Glenrothes. Unfortunately due to the weather conditions the hearing centre was closed. The Committee heard brief representations from the Landlord on the steps outside the Community Centre. The Landlord confirmed that he did not have much to say and did not wish to participate further in any hearing. The Committee waited outside the hearing centre for a short period and no one else attended.
8. The Landlord confirmed to the Committee that various works had been carried out on the property since the Tenant had moved out. He also showed the Committee a copy of a current gas safety certificate. The Landlord confirmed that he was in the process of installing decking at the back of the property and assured the Committee that this would be completed before the property was re-let.

### **Decision**

9. The Committee looked at each of the items raised in the Tenant's list when inspecting the property.
10. It was clear from inspection that the front door step has been secured and does not now slope downwards. The Landlord confirmed that work had been carried out on the front step. The Committee was accordingly satisfied that this matter has been dealt with.
11. The Committee inspected the windows in the front bedroom, the kitchen and the downstairs toilet and found them all to be in working order and they appear to be wind and water tight. There was no evidence of water ingress and the window in the downstairs toilet does open and has a vent unit in it. The Committee accordingly saw no need to make a Repairing Standard Enforcement Order in respect of any of the windows in the property.
12. Given that there was 2-3 inches of snow on the ground it was difficult for the Committee to inspect in the step at the patio door. It was however apparent that the Landlord was in the process of installing decking covering the whole area outside the patio doors and the back door. This is a work in progress and should resolve any problem with there not being a step at the patio door and any issue with uneven ground. The Landlord assured the Committee that the decking would be completed before the property was re-let and accordingly the Committee saw no reason to make a Repairing Standard Enforcement Order in respect of this matter.
13. The radiators in the living room and the kitchen have now been secured to the walls. They were on at the time of inspection and would appear to be in a reasonable state of repair and in proper working order.
14. The Committee inspected the skirting at the patio door and this is not loose. The skirting in the hall was slightly loose but is not dangerous and the Landlord explained that a new carpet is to be installed in this area. There was no evidence of any leak at the front door.
15. The Committee noted that there was PVC wet wall in the kitchen but the splash back behind the cooker is tiled and the Committee do not consider the wet wall to be too close to the cooker. The exact material of the PVC wet wall is in any event unknown.
16. There was no smell of sewage in the kitchen at the time of inspection.

17. There did not appear to be any difficulty with an electrical switch in the downstairs toilet. There was an old switch which has now been capped.
18. The Tenant raised an issue with regard to the patio doors being held in with expanding foam. This would be for insulation. There was no evidence on inspection to suggest that the patio doors were not wind and water tight. Due to the weather conditions it was not possible to carry out a detailed external inspection. There was nothing however which caused the Committee particular concern.
19. The Committee noted that the lean to at the back door has now been demolished and removed.
20. There were no decorative finishes inside the electric meter cupboard, but this was not regard as a breach of the Repairing Standard.
21. There was no sign of any leak coming in to the hall.
22. It was apparent that there had been a recent repair to the harling on the front elevation. There was slight damage to the harling on this elevation at the windows but damp meter readings were taken around the windows and were satisfactory. The Committee accordingly found no evidence to suggest that the cladding is not wind and water tight.
23. There were a number of light fittings in the property where the rose was loose. The Landlord explained that this had been done due to redecoration. The Committee considered that the roses required to be pushed back up to ceiling height but did not consider this to be a breach of the Repairing Standard.
24. There was no sign of any leak in the front porch which has clearly been recently redecorated.
25. The upstairs bathroom has windows which open and have vents in them. There was no sign of any mould on inspection and the floor seemed in a reasonable state of repair.
26. The bath has been re-sealed.
27. The boiler and the heating pipes were inspected and there was no sign of any leak.
28. The partition wall between the front and back bedrooms has recently been redecorated and there was no evidence of any on-going problem with the wall not being secure at the ceiling.
29. Damp meter readings were taken at a number of locations throughout the property and found to be normal. There was no obvious evidence of dampness getting through from the outer walls.
30. The Tenant had not included the loose electrical sockets on the list of problems sent to the Landlord but mention is made of this in the application to the Committee. The Committee noted that two of the electrical sockets in the front bedroom (located above the kitchen) were loose and require a bit of attention. The Committee would suggest that the Landlord deals with this before the property is re-let. It is however not necessary to make a Repairing Standard Enforcement Order.
31. It appeared to the Committee that the Landlord had carried out a number of works since the Tenant's application was lodged which had satisfactorily resolved the issues raised by the Tenant. The Landlord should ensure that the light roses are put back in place, the decking is finished and the two sockets in the bedroom are fixed prior to the property being re-let. In the whole circumstances however the Committee do not consider that it is necessary to impose a Repairing Standard Enforcement Order in this case.

32. The Committee accordingly determined that the Landlord has not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

33. The decision of the Committee was unanimous.

**Right of Appeal**

34. 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**

35. 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.

**J Lea**

Signed ..... Date 8 April 2013  
Chairperson