

Final determination

6 Cadzow Place Edinburgh

This Final Determination should be read in conjunction with the Statement of Reasons attached hereto :

After inspecting the property on the 9th December 2008 the Committee adjourned consideration of the matter until such time as it could be confirmed that the former tenant had been notified of the date of the Hearing.

The tenant has not responded to recorded delivery mail sent to her at her parents address nor has she responded to telephone calls . She has not made contact with the PRHP since the date of the Application. In these circumstances we are satisfied Miss Milroy does not wish to make further representations to the Committee and we have decided to proceed on the basis of our aforesaid inspection.

The issue to be determined is whether or not the landlord is in breach of his duty to repair and maintain the property in terms of S14 of the Housing (Scotland) Act 2006. The tenant considered the following work required to be carried out:

The boiler flue needed to be sealed

An internal bedroom wall needed to be stripped dried and replastered.

External pipework should be repaired to prevent further water ingress.

The Committee inspected the property on the 9th December 2008. The committee surveyor confirmed from visual inspection that any work required had been carried out and accordingly the committee is satisfied there is no breach of the repairing standard.

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 the decision.

Luene Mc Cauley
Chairperson

5/1/09

Statement of Reasons

Inspection and Hearing

9th December 2008

6 Cadzow Place Edinburgh

Landlord : Craig and Sharon Mackay per their agents Grant Management

Tenant : Aileen Milroy formerly of 6 Cadzow Place Edinburgh

- **By Application dated 19/8/08 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 of the Housing (Scotland) Act.**
- **The application in relation to the flat at 6 Cadzow Place stated the boiler flue needed to be sealed , the internal bedroom wall needed stripped dried and replastered and external pipework should be repaired to prevent any further water ingress to the bedroom.**
- **The Committee inspected the property on the 9th December in the presence of the Landlords' agent . The tenant was not present.**
- **From our visual inspection it appeared the work required by the tenant in the application had been completed and the landlord was not in breach of his duties in terms of statute.**
- **A hearing had been arranged after the inspection in order for the Committee to hear submissions from parties. The landlords' agent attended the hearing however the tenant was not present.**
- **In terms of Regulation 24 it is open to the Committee to hold a Hearing in the absence of any party if satisfied that the requirements of regulation 19 regarding the giving of notice of the hearing have been obtempered. In this instance we cannot be satisfied. Notice of the date place and time of the hearing was sent to the tenant at 6 Cadzow Place however she vacated the tenancy on 2/10/08 and her mail has**

not been forwarded to her.

- The Committee adjourns this Hearing . Efforts should be made to contact the tenant by telephone or through her parents address and if she wishes to make representations a further hearing should be arranged. in the event the tenant does not wish to make oral representations at a hearing the committee will conclude the matter on the basis of the inspection undertaken on 9th December.

A McCamley

9/12/08

Chairperson PRMP