



**DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE**  
**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE**  
**UNDER**  
**REGULATION 19(4) OF THE PRIVATE RENTED HOUSING PANEL**  
**(APPLICATIONS AND DETERMINATIONS) (SCOTLAND) REGULATIONS 2007**

In connection with

Property at Flat 2/2, 10 Minard Road, Glasgow G41 2HN  
(the "House")

Ms Rhona McQueen, Flat 2/2, 10 Minard Road, Glasgow G41 2HN (the  
"Tenant") (represented by Miss Fiona Brown, Shelter Glasgow Advice Service,  
274 Sauchiehall Street, Glasgow G2 3EH (the Tenant's Representative"))

The Trustee on the Sequestrated Estate of Stephen Joseph Freed residing at 2  
Gordon Crescent, Newton Mearns, per Grant Thornton UK LLP, 95 Bothwell  
Street, Glasgow G2 7JZ (the "Landlord") (represented by Claire Galbraith,  
Graham + Sibbald, Chartered Surveyors, 1 Greenmarket, Dundee DD1 4QB (the  
"Landlord's Representative"))

**PRHP Reference G41/67/13**

## **DECISION**

The Committee, having attended at the House accompanied by the Landlord's Representative and the Committee Clerk and having been unable to obtain access to the House for the purpose of inspection, dismisses the Application.

## **Background**

1. By application dated 4 April 2013 and received on 8 April 2013 the Tenant applied to the Private Rented Housing Panel ("PHRP") for a determination 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 Tenant considered that the Landlord had failed to comply with the duty to ensure that the House meets the repairing standard and in particular that the Landlord had failed to ensure compliance with Section 13 (1)(a), (c), (d) and (f) which states that
  - (a) the house is wind and watertight and in all respects reasonably fit for human habitation;

- (c) 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;
- (d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order;
- (f) the house has satisfactory provision for detecting fires and giving warning in the event of fire or suspected fire.

The Tenant's complaints of disrepair within the application related to evidence of beetle infestation at the start of the tenancy; rotten windows which were not wind and water tight; nails coming up through the floor; holes in the floor, the bedroom affected by dampness; a broken bath panel in the bathroom;; the smoke alarm not working; and the boiler being faulty.

- 3. The Tenant submitted a copy of a letter from Tenant's Representative to the Landlord setting out these matters and calling on the Landlord to remedy these matters within 14 days failing which the Tenant would submit an application to the PHRP. There was no response by the Landlord to this letter.
- 4. By letter dated 11 April 2013 the PHRP intimated to the parties that the President of PHRP had decided to refer the application under Section 23(1) of the Act to a Private Rented Housing Committee (the "Committee").

The Committee comprised the following members:

Mr Jamie Millar, Legal Member;

Mr Mike Links, Surveyor Member;

Ms Susan Brown, Housing Panel Member.

- 5. Following service of the Notice of Referral the Tenant made no further representations and by letter dated 17 May 2013 the Tenant's Representative intimated withdrawal from the application due to loss of contact with the Tenant.
- 6. The Committee attended to inspect the House at 10.00am on 7 August 2013. The Tenant was not present. The Landlord's Representative attended the inspection. No access to the House was available as the Tenant was not present and the Landlord's Representative did not have a set of keys nor authorisation from the Tenant to enter the House.
- 7. The Landlord's Representative explained that despite several attempts to contact the Tenant to obtain access to assess the condition of the House the Landlord's Representative had been unable to do so. Notice to quit has been served on the Tenant for non-payment of rent. The notice to quit will expire on 28 August 2013.
- 8. Thereafter the Committee held a Hearing at the offices of the PRHP at Europa Building, 450 Argyle Street, Glasgow G2 8LH. Neither the Landlord nor the

Tenant was present or represented at the Hearing. The Committee considered the terms of the application by the Tenant; the fact that the Landlord has been sequestrated and his affairs are under the control of a trustee in bankruptcy; the failure of the Tenant to provide access for the inspection and to appear for the Hearing; and the willingness of the Landlord's Representative to permit access for inspection once the Landlord had recovered possession from the Tenant.

9. The Committee was satisfied that the Tenant and the Tenant's Representative had been given proper notice of the inspection and the Hearing in terms of Regulation 19(1) of The Private Rented Housing Panel (Applications and Determinations) (Scotland) Regulations 2007.

#### **Submissions at the Hearing**

10. No submissions were made at the Hearing.

#### **Reasons for Decision**

11. The Committee is not persuaded that the Landlord has failed to comply with the duty to ensure that the House meets the repairing standard and in particular that the Landlord has failed to ensure compliance with Section 13 (1) (a), (c), (d) and (f) of the Act.
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 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 will be treated as having effect from the day on which the appeal is abandoned or so determined

**J Millar**

**Jamie Millar**

**Chairperson**

4 September 2013