



**Determination by Private Rented Housing Committee**

Statement of Reasons for Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 24(1) of the Housing (Scotland) Act 2006

Case Reference Number: prhp/G3/88/10

Re:- Property at Flat 2/1, 78 Ferry Road, Glasgow, G3 8QX ("**the property**")

Land Register Title Number:- **GLA148473**

The Parties:-

Ms Roxanna Ali residing at Flat 2/1, 78 Ferry Road, Glasgow, G3 8QX ("**the tenant**")

And

Mr Raymond Levitus, c/o Edzell Property Management, 1008 Pollokshaws Road, Glasgow, G41 2HG ("**the landlords**")

**The Committee comprised:-**

Mr James Bauld	- Chairperson
Mr Alan English	- Surveyor member
Ms Susan Brown	- Housing member

## **Decision**

The Committee unanimously decided that the property complied with the repairing standard set out in Section 13 of the Housing (Scotland) Act 2006 ("the 2006 Act") and that the landlord had not failed to comply with any of the duties imposed upon the landlord by Section 14 of the same Act.

## **Background:-**

1. By application dated 19 May 2010, the tenant applied to the Private Rented Housing Panel ("PRHP") for a determination that the Landlord had failed to comply with the duties imposed by Section 14 (1) of the 2006 Act.
2. The application made by the tenant stated that the tenant considered that the landlord had failed to comply with their duty to ensure that the house met the repairing standard and in particular that the house was not reasonably fit for human habitation.
3. The tenant had provided evidence of notification of these defects to the landlord at the address given in the Tenancy Agreement.
4. The President of the Private Rented Housing Panel decided to refer the application under Section 22 (1) of the 2006 Act to a Private Rented Housing Committee ("the Committee").
5. On 4 June 2010, the Committee served notice of referral under and in terms of the 2006 Act upon the parties.
6. The Committee inspected the property on the morning of 13 August 2010. The tenant was present during the inspection. The landlord was also present during the inspection.

## **Evidence**

7. The evidence before the Committee consisted of:-
  - Application form;
  - Copy Tenancy Agreement
  - Extract of title from the Land Register
  - Correspondence between tenant and landlord relating to issues of claimed disrepair

## **Summary of issue**

8. The issue complained of in the application before the Committee related to the condition of the windows within the property. The tenant alleged that some of the windows in the property could not be opened

at all and that one window in the bedroom upon opening became fully open and could not be secured.

9. At the inspection, the Committee were advised by the tenant that all repairs had been completed. The tenant advised that the landlord had arranged for the various windows to be repaired. The tenant demonstrated to members of the Committee that the windows had now been fully repaired and that she was now happy that no further work was required.

### **Findings of Fact**

10. Having considered all the evidence the Committee found the following facts to be established:-
  - a) The subjects of let comprised a modern flat in a relatively new building. The building extends to 3 storeys and the flat was located on the 2<sup>nd</sup> floor. The building was approximately 10 years old. The Committee could find no evidence of any substantial disrepair within the property. The tenant indicated that she was satisfied that no repairs were outstanding. The Committee carefully checked the windows within the property and found they were all functioning properly.
  - b) The Committee could find no evidence of any failure to meet the repairing standard or any of the duties incumbent on the landlord.

### **Reasons for Decision**

11. The Committee had carefully inspected the property and also heard from the tenant. The Committee could find no evidence that the property was now in a state of disrepair and the tenant indicated that she did not wish to proceed with the hearing and inspection. The decision of the Committee was unanimous to dismiss the application.

### **Rights of Appeal**

12. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
13. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP or the Committee which made the decision.

**Effects of Section 63**

14. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.
15. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed **J Bauld** .....

Date *16 August 2010* .....

James Bauld, Chairperson

Signature of Witness **G Williams**

Date *16/8/10* .....

Name: Gillian Williams

Address: 7 West George Street, Glasgow, G2 1BA

Designation: Senior Court Administrator