



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

prhp Ref: PRHP/RP/14/0157

Re : Property at Flat 8, 179A Blackness Road, Dundee, DD1 5PH (“the Property”)

The Parties:-

Clara McVitty, formerly residing at Flat 8, 179A Blackness Road, Dundee, DD1 5PH (“the Tenant”)

Andrew John Simpson and Mrs Colette Marie Simpson, c/o Grant Property Solutions Ltd, 14 Coates Crescent, Edinburgh EH3 7AF (“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) of the Housing (Scotland) Act 2006 (“the Act”) in relation to the house concerned, and taking account of the evidence led at the hearing, 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 19 June 2014 the Tenant applied to the Private Rented Housing Panel (“PRHP”) for a determination of whether the Landlord had failed to comply with the duties imposed by s.14(1)(b) of the Act.

2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:-

(a) The house is wind and water tight, and in all other respects reasonably fit for human habitation;

(b) The installations in the house for electricity are in a reasonable state of repair and in proper working order;

(c) The fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

(e) Throughout the duration of the tenant's occupancy of the property, a number of repairs were required. The tenant contacted the landlord's agent each time a repair was required. The landlord's agents responded promptly and each of the repairs requested was carried out. During the tenant's occupancy of the property, an electric oven and electric hob in the kitchen were both replaced.

(f) The bathroom in this property does not have external light. Ventilation is provided by an extractor fan. The bathroom has a three piece sanitary suite with a shower over the bath. The wall above the bath became heavily stained with mould during the tenant's occupation of the property. The landlord has removed the mould, redecorated the bathroom and replaced the extractor fan with a centrifugal fan (with a run on timer) in May 2014. The walls and ceiling of the bathroom were not stained with mould on the date of inspection.

(g) Throughout the course of the tenant's occupation of the property, rodents were seen within the property. The tenant reported the sighting of rodents to the landlord's agents. The landlord's agents instructed Dundee City Council environmental services department, who visited the property in March 2013. After pest control treatment, the environmental services department of Dundee City Council told the landlord that the property was clear of any infestation. Since then, the landlord has replaced floorboards damaged by vermin.

Reasons for the decision

12 (a) Inspection of this property took place at 10am on 13 November 2014. The tenant removed from this property in July 2014. Ms Cummings from the landlord's agents welcomed committee members into the property and allowed committee members to examine each of the rooms in the property. The property is occupied, but there was only one tenant in the property at the time of inspection. Committee members have sight of photographs (produced by the tenant) of the interior of the property in the period leading to the date of application. The condition of the property seen by committee members is different to the condition portrayed by the photographs.

(b) Committee members climbed the clean and well maintained common stair and walked through the front door of the property; they, first of all, examined the bathroom. It was obvious to committee members that the bathroom is entirely internal. Ventilation is provided by a centrifugal fan. The fan now present in the property is different to the extractor fan shown in the photographs produced by the tenant. The tenant's photographs depict a significant mould growth on the walls and ceiling above the bath in the bathroom. Committee members could see that the bathroom has been redecorated and that previous mould staining was removed as part of the redecoration process. At the date of inspection, there was no mould staining in the bathroom, nor was there evidence of penetrating damp.

(c) The living room and each of the four bedrooms in this property are served with timber framed single glazed windows. Committee members

entered the living room and each of the bedrooms, and inspected each of the windows. The windows opened and closed properly. Committee members could see that draught excluders are fitted around each of the windows. When closed, the windows do not allow draughts to enter the property. Committee members noted, from external examination of the larger building that this property forms part of, that this is the only flatted dwelling-house in the building that has single glazed windows. Every other dwelling-house in the larger building benefits from double glazed windows. It is within committee members' knowledge that single glazed windows are less efficient than double glazed windows; however there are no defects in the windows in the property. Each of the windows opens and closes properly and the draught excluders work. The integrity of each window is not compromised. There are no gaps between the window and the window aperture. The surveyor member took damp meter readings which were within the normal range. Committee members drew the conclusion that the house is wind and water tight, and that windows are in a reasonable state of repair and in proper working order.

(d) The repairing standard does not require the provision of double glazing but it was noted during the inspection that each window was affected by condensation to some degree or another. During the hearing the committee members made the observation that this can quickly lead to softness and rot in timber window frames and that whilst there is no requirement for landlords to provide double glazing it was apparent there would be significant benefits to both the landlord and the tenant in this property if modern replacement double glazed windows were to be provided."

(e) The tenant was concerned about the stability of the electrical system within the property, specifically because the use of the washing machine, the cooker, hob and the oven had caused the electrics to "trip". Committee members examined the kitchen of the property. The kitchen is an internal room without natural daylight. Neither the hob nor the oven has an obvious fault. The landlord produced reliable documentary evidence to support the account of replacement of the hob and oven in the property during the course of the tenant's occupancy of the property.

(f) The landlord produced evidence of regular PAT testing and electrical compliance certification. Committee members examined the consumer unit and could see that the electrical supply is provided in modern materials, protected with circuit breakers Committee members were satisfied that there is no fault in the electrical installation.

(g) The tenant complains of an infestation of mice and rats. The landlord concedes that there was an infestation of mice and that the environmental services department of Dundee City Council were instructed to carry out pest eradication work in March 2014. Committee members carefully examined the floorboards and skirting throughout the property and examined the walls and pipe entry points in the large cupboards in the property. Committee members could see that a number of floorboards have been replaced and that gaps have been filled in the lower walls and skirting of the cupboards. There was no evidence of vermin infestation. There was no evidence of rodent

droppings, nor of gnaw marks. There were no pest traps, nor was poison set out. It was clear from committee members' observations that the property is occupied by new tenants who have left their belongings scattered around the house and do not appear to be concerned that their belongings could be damaged by vermin. The weight of reliable evidence indicates that there has been a past infestation of mice (and perhaps rats) but that at the date of inspection, there is no current infestation.

(h) Committee members' observations lead them to the conclusion that this property has had repairs carried out; it has been redecorated and re-let since the tenant submitted her application.

(i) Committee members can only consider matters on the day of inspection and in this case, it was clear to the committee that:

1. The property is wind and water tight, and reasonably fit for human habitation;
2. The windows are in a reasonable state of repair and in proper working order.
3. The installations in the house for the supply of electricity are in a reasonable state of repair and in proper working order; and
4. The fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.

(j) The landlord has therefore complied with the repairing standard as set out in the 2006 Act. Committee members therefore draw the conclusion that there is no need for a repairing standard enforcement order in this case.

Decision

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

14. The decision of the Committee is unanimous.

Right of Appeal

15. 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

16. 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.

Signed **Paul Doyle**
Chairperson.

Date 3/12/2014