



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

Statement of Decision of the Private Rented Housing Committee under section 26(1) of the Housing (Scotland) Act 2006

Re Greystone, Kirkton, Dumfries, DG1 1 ST being the subjects registered in the land Register of Scotland under Title Number DMF17275 ('The Property')

The Parties:-

Gregory and Heidi Allison residing at Greystone, Kirkton, Dumfries, DG1 1ST ('The Tenants')

Euan James Mair and Lucy Joan Mair residing together sometime at 14 Academy Street, Dumfries and now at Am Bach 40, Schwoich, 6334, Austria ('The Landlords')

Background

1. On 24th April 2014 the Private Rented Housing Committee ('the Committee') issued a Determination which stated that the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date the Committee issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property.
2. The RSEO made by the Committee required the Landlords to:-
 - (1) Effect repairs to render the roof and feature window in the kitchen and master bedroom wind and water tight.
 - (2) Repair defective guttering above flat roof at kitchen.
 - (3) Effect repairs to remove water ingress to kitchen floor.
 - (4) Repair or replace faulty electrical sockets and electrical fans in the kitchen and en suite to render them in proper working order and provide a valid PIR certificate.
 - (5) Effect necessary repairs to render the soak away in proper working order.
 - (6) Effect necessary repairs to the kitchen units to render them in proper working order.
 - (7) Effect necessary repairs to the defective TV aerial socket in the kitchen to render it in proper working order.

3. The Private Rented Housing Committee ordered that the works specified in the RSEO were to be carried out and completed by 30th August 2014. That time limit was subsequently extended to 30th September 2014.
3. On 10th October 2014 the surveyor member of the Committee carried an inspection of the Property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed.

He determined that the following items had been satisfactorily completed:

- (1) Effect repairs to render the feature window in the kitchen and master bedroom wind and water tight.
- (2) Repair defective guttering above flat roof at kitchen.
- (7) Effect necessary repairs to the defective TV aerial socket in the kitchen to render it in proper working order.

However the following repairs had not been carried out and had not been completed:

- (1) Effect repairs to render the roof wind and water tight.
- (3) Effect repairs to remove water ingress to kitchen floor.
- (4) Repair or replace faulty electrical sockets and electrical fans in the kitchen and en suite to render them in proper working order and provide a valid PIR certificate.
- (5) Effect necessary repairs to render the soak away in proper working order.
- (6) Effect necessary repairs to the kitchen units to render them in proper working order.

Decision and Reasons

4. Following the surveyor member's inspection of the Property the re-inspection report was sent to the parties. They sent the Committee written representations. The Committee considered the parties' written representations and were most concerned that a valid PIR certificate had not been provided.

They considered whether a Rent Relief Order should be made in terms of section 27 of the Act and determined that such an Order should be made given the Landlords' failure to comply with the RSEO without reasonable excuse.

They then considered the amount by which the rent payable under the tenancy in question should be reduced.

They considered the impact the failure to carry out the repairs has on the Tenants' enjoyment of the Property and the health and safety issues resulting from not producing a valid PIR certificate, despite the terms of the RSEO. In all the circumstances they determined that an appropriate reduction in rent is to reduce the rent payable under the tenancy by 90% until a valid PIR certificate is produced. Once a valid PIR certificate is produced to the Committee and the Committee determine that the PIR certificate is valid and acceptable the Rent Relief Order will be amended to a reduction in rent of 50% pending completion of the remainder of the repairs:

- (1) Effect repairs to render the roof wind and water tight.
- (3) Effect repairs to remove water ingress to kitchen floor.
- (4) Repair or replace faulty electrical sockets and electrical fans in the kitchen and en suite to render them in proper working order.
- (5) Effect necessary repairs to render the soak away in proper working order.
- (6) Effect necessary repairs to the kitchen units to render them in proper working order.

If some of the remaining repairs are completed before the others the Landlords may apply to the Committee for the Rent Relief Order to be reviewed.

5. The Committee considered that the Rent Relief Order should be effective from 28 days after the last date in which the decision the Rent Relief Order may be appealed under Section 64 of the Act.
6. The Committee having made such enquiries as is fit for the purposes of determining whether the Landlords have complied with the Repairing Standard Enforcement Order, in relation to the Property concerned, determined that the Landlords have failed to comply with the RSEO in terms of section 26(1) of the Housing (Scotland) Act 2006 and that a notice of the failure be served on the Local Authority in which the property is situated.
7. They proceeded to make a Rent Relief Order in terms of section 27 of the Act, which order shall take effect 28 days after the date on which the decision to make the Rent Relief Order may be appealed under section 64 of the Act.

Right of Appeal

8. **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

9. 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.

Jacqueline Taylor

Signed
Chairperson



Date: 3rd December 2014



Rent Relief Order

by the Private Rented Housing Committee

Re Greystone, Kirkton, Dumfries, DG1 1 ST being the subjects registered in the land Register of Scotland under Title Number DMF17275 ('The Property')

The Parties:-

Gregory and Heidi Allison residing at Greystone, Kirkton, Dumfries, DG1 1ST ('The Tenants')

Euan James Mair and Lucy Joan Mair residing together sometime at 14 Academy Street, Dumfries and now at Am Bach 40, Schwoich, 6334, Austria ('The Landlords')

NOTICE TO

Euan James Mair and Lucy Joan Mair residing together sometime at 14 Academy Street, Dumfries and now at Am Bach 40, Schwoich, 6334, Austria ('The Landlords')

Whereas in terms of their decision dated 3rd December 2014, the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlords have failed to comply with the Repairing Standard Enforcement Order in relation to the Property made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 90% of the rent which would, but for the order, be payable. This reduction will apply until a valid PIR certificate is produced. Once a valid PIR certificate is produced to the Committee and the Committee determine that the PIR certificate is valid and acceptable the Rent Relief Order will be amended to a reduction in rent of 50% pending completion of the remainder of the outstanding repairs, namely:

- (1) Effect repairs to render the roof wind and water tight.
- (3) Effect repairs to remove water ingress to kitchen floor.
- (4) Repair or replace faulty electrical sockets and electrical fans in the kitchen and en suite to render them in proper working order.
- (5) Effect necessary repairs to render the soak away in proper working order.
- (6) Effect necessary repairs to the kitchen units to render them in proper working order.

If some of the remaining repairs are completed before the others the Landlords may apply to the Committee for the Rent Relief Order to be reviewed.

The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the said Act.

A landlord or a 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.

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. Where the appeal is abandoned or finally determined by confirming the decision, the Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

In witness whereof these presents are executed by Jacqueline Carol Taylor, Solicitor, chairperson of the Private Rented Housing Committee on 3rd December 2014 before this witness:-

____ witness

Jacqueline Taylor chairperson

Keirsten Byrne

65 High Street

Irvine

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