



## **Rent Relief Order**

**Ordered by the Private Rented Housing Committee**

**Property at Flat 2/2, 248 Paisley Road West, Glasgow G51 1BS  
(hereinafter referred to as "the house")**

**Ms. Jean Wilson, Flat 2/2, 248 Paisley Road West, Glasgow G51 1BS (represented  
by Ms. Laura Simpson of Govan Law Centre, Units 4&6 Orkney Street Enterprise  
Centre, 18-20 Orkney Street, Glasgow G51 2BX) ("the Tenant")**

**Mr. Varpal Singh Padda, 28 Garngaber Avenue, Lenzie, Glasgow G66 4LL  
(represented by Mr. Ian Boyle, of Flats in Glasgow Letting Agents, 1279  
Dumbarton Road, Glasgow G14 9XL) ("the Landlord")**

**PRHP REFERENCE G51/68/10**

### **NOTICE TO Mr. Varpal Singh Padda ("the Landlord")**

Whereas in terms of their decision dated 25 March 2011, 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 Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the house 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 80% of the rent which would, but for the order, be payable. 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.

# A Devanny

Chairperson /  
Private Rented Housing Committee  
25 March 2011



**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**

In connection with

Property at Flat 2/2, 248 Paisley Road West, Glasgow G51 1BS  
(hereinafter referred to as "the house")

Ms. Jean Wilson, Flat 2/2, 248 Paisley Road West, Glasgow G51 1BS (represented  
by Ms. Laura Simpson of Govan Law Centre, Units 4&6 Orkney Street Enterprise  
Centre, 18-20 Orkney Street, Glasgow G51 2BX) ("the Tenant")

Mr. Varpal Singh Padda, 28 Garngaber Avenue, Lenzie, Glasgow G66 4LL  
(represented by Mr. Ian Boyle, of Flats in Glasgow Letting Agents, 1279  
Dumbarton Road, Glasgow G14 9XL) ("the Landlord")

**PRHP REFERENCE G51/68/10**

**BACKGROUND**

1. Reference is made to the Determination of the Private Rented Housing Committee ("the Committee") dated 30 June 2010 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act ("the Act") and the Repairing Standard Enforcement Order ("RSEO") made by the Committee which required the Landlord to carry out works (including those works identified in the report of Stirling Howieson, Chartered Architect and Chartered Engineer) to prevent water ingress and eliminate dampness in the house (including the common stairwell) and to ensure that the house is reasonably fit for human habitation; to carry out works to the external fabric of the tenement as identified in the said report of Dr Howieson to ensure that the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order; and on completion of remedial works detailed as aforesaid, the electrical supply should be checked by a qualified electrician and certification produced to Prhp confirming the installation is in reasonable repair and proper working order (hereinafter collectively known as "the said repairs"). The said repairs to be carried out and completed within a period of 6 months from the date of service of the Notice of the RSEO. Service of the Notice of the RSEO was effected on the Landlord on 9 July 2010.

2. On 24 January 2011 Mr. George Campbell, Surveyor Member of the Committee, in the presence of the Tenant and the Landlord, carried out a further inspection of the house for the purpose of ascertaining if the said repairs in the RSEO had been completed. A written report of his findings was submitted to the Committee and to the Tenant and Landlord indicating that none of the said repairs had been undertaken. The Landlord and the Tenant both agreed at the inspection that the works had not been completed but the Landlord explained that some temporary minor roof repair works had been undertaken but that these had not improved the roof problem. Written representations were sought from the Tenant and Landlord to the findings in the written inspection report and on the issue of the compliance of the Landlord with the RSEO and the possibility of a Rent Relief Order.

### **WRITTEN REPRESENTATIONS**

3. Both Tenant and Landlord agreed with the findings of the Surveyor Member.

The Tenant in representations indicated that the dampness in the house had been ongoing since 2009. She indicated that the damp/ water ingress mainly affects one bedroom; that the impact of the dampness has resulted in loss of the Tenant's belongings due to mould growth and she is unable to keep clothes in the main back bedroom which is worst affected; she expressed concerns about her son's health as he suffers from asthma; and she referred to the impact of the dampness in the house on her ability to invite friends to her home due to the embarrassing damp smell. The Tenant considered a rent reduction of 90% appropriate.

The Landlord in representations indicated that the reasons for the failure to complete the works was due to the lack of cooperation from other owners who were jointly responsible for maintenance of the common parts of the tenement and due to a lack of finances on his part caused by recent bereavements. He indicated that works were scheduled to start at the end of March 2011 and he planned to complete the works and pursue the others owners for their share of the costs. He complained of problems with the factor of the tenement. He accepted that a rent reduction for the Tenant would be appropriate since she had been inconvenienced. He felt a reduction of 20% would be fair as only a very small area of the house was affected by the roofing problem.

### **DETERMINATION AND REASONS**

4. The Committee, consisting of Mrs. Aileen Devanny, President and Legal Chairperson, and Mr. George Campbell, Surveyor Member, considered the evidence and written representations. The Committee unanimously decided in terms of Section 26(1) of the Act that the Landlord had failed to comply with the RSEO and directed that a notice of the failure be served on the Local Authority on which the house is situated. The Committee did not consider that the inability to comply with the RSEO was due to a lack of necessary rights of access or otherwise as the Landlord possesses such rights in

terms of his titles and the Tenement Management Scheme under the Tenement (Scotland) Act 2004. The evidence was clear from the inspection that the said repairs had not been carried out, save some temporary minor roof repairs which had proved unsuccessful, and this was accepted by the Landlord. The Committee 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 Landlord's failure to comply with the RSEO. The Committee then went on to consider the amount of any rent reduction which should be made from the rent specified in the Lease.

20% has been suggested by the Landlord as an appropriate rent reduction. However, the Committee considered that this figure seemed an inadequate rent reduction in all the circumstances and felt that a figure of 80% to be more appropriate. This would acknowledge the serious disrepair to the house and failure to comply with an RSEO; the impact of the outstanding works on the Tenant's lifestyle and her enjoyment of the house; and also take into account that the repairs had been outstanding for a considerable time. However, it is not the maximum reduction which can be imposed and in imposing a lesser sum than the maximum, the Committee acknowledges that the Landlord has accepted that the house does not meet the repairing standard and stated that he has been working towards resolution of the outstanding common repairs with the other owners. If the Landlord proceeds to carry out the works as he indicates, then the works should be completed in the not too distant future and the impact of the rent reduction will be limited in duration. The issue of the occupancy or otherwise of a boyfriend in the house is not relevant in the context of repairing standard issues.

5. The Committee determined that an appropriate reduction in rent would be 80% from the rental figure specified in the Lease. The Committee considered in accordance with the provisions of Section 63(4) and (5) of the Act that the rent reduction should be effective from 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the Act.

## **DECISION**

The Committee, having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the repairing standard enforcement order (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the written representations of the Tenant and Landlord, determined that the Landlord had 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 house is situated.

The Committee proceeded to make a Rent Relief Order in terms of Section 27 to 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 Act.

The decision of the Committee was unanimous.

## **RIGHT OF APPEAL**

**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.**

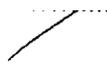
**The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the Private Rented Housing Panel or the Committee which made the decision.**

## **Effect of Section 63**

**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 28 days from the day on which the appeal is abandoned or so determined.**

# A Devanny

Chairperson,  
25th March 2011





## **NOTICE TO LOCAL AUTHORITY**

**ISSUED BY THE PRIVATE RENTED HOUSING COMMITTEE UNDER SECTION 26(2) OF THE HOUSING (SCOTLAND) ACT 2006**

**RE: PROPERTY AT Flat 2/2, 248 Paisley Road West, Glasgow G51 1BS  
(hereinafter referred to as "the house")**

**PRHP REFERENCE- G51/68/10**

### **THE PARTIES:**

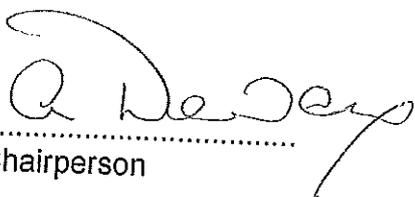
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**Mr. Varpal Singh Padda, 28 Garngaber Avenue, Lenzie, Glasgow G66 4LL (represented by Mr. Ian Boyle, of Flats in Glasgow Letting Agents, 1279 Dumbarton Road, Glasgow G14 9XL) ("the Landlord")**

Notice is hereby given to Glasgow City Council, being the local authority in which the house is situated, that there has been a failure by the Landlord to comply with a Repairing Standard Enforcement Order in relation to the house in terms of Section 26(1) of the Housing (Scotland) Act 2006. The Statement of Decision of the Private Rented Housing Committee under Section 26(1) of the said Act is attached hereto and referred to for its terms.

If an appeal against the decision of the Private Rented Housing Committee is made, then the effect of the decision is suspended until the appeal is abandoned or finally determined. In the event that the decision is confirmed, then the decision will be effective from the date on which the appeal is abandoned or so determined. If an appeal is received then the Private Rented Housing Panel will notify you of this and the eventual outcome of the appeal.

The date of service upon the parties of the decision under Section 26 of the Act is hereby certified to be 31 March 2011.

A handwritten signature in cursive script, appearing to read 'A. DeJoy', written over a dotted line.

Chairperson

Date 31 March 2011