



**Rent Relief Order**  
**Ordered by the Private Rented Housing Committee**

Ref: PRHP/G53/73/12

Re: Property at Flat 2/1, 233 Househillmuir Road, Glasgow G53 6LP being the subjects registered in the Land Register of Scotland under Title Number GLA54723 ("the Property")

The Parties:-

STEVEN MAYHEW, residing at Flat 2/1, 233 Househillmuir Road, Glasgow G53 6LP ("the Tenant")

Mr SCOTT DEVLIN, per his agents Castle Residential, 63 Causeyside Street, Paisley PA1 1YT ("the Landlord")

**NOTICE TO ("the Landlord")**

Whereas in terms of their decision dated 30 October 2012, 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 50.% 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.

In witness whereof these presents type written on this page only are executed by Andrew Stuart Cowan, Solicitor, 7 West George Street, Glasgow G2 1BA, Chairperson of the Private Rented Housing Committee at Glasgow on 30 October 2012 before this witness:-

**L McManus**  
\_\_\_\_\_ witness

**A Cowan**  
\_\_\_\_\_ chairman

Laura McManus, Secretary  
7 west George Street, Glasgow, G2 1BA





## 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

Ref: PRHP/G53/73/12

Re: Property at Flat 2/1, 233 Househillmuir Road, Glasgow G53 6LP being the subjects registered in the Land Register of Scotland under Title Number GLA54723 ("the Property")

#### The Parties:-

STEVEN MAYHEW, residing at Flat 2/1, 233 Househillmuir Road, Glasgow G53 6LP ("the Tenant")

Mr SCOTT DEVLIN, per his agents Castle Residential, 63 Causeyside Street, Paisley PA1 1YT ("the Landlord")

#### Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the terms of the Repairing Standard Enforcement Order (dated 2 July 2012) in relation to the property concerned, determined that the Landlord has not complied with that Repairing Standard Enforcement order and continues to fail to comply with the duty imposed by Section 14 (1)(b) of the Housing Scotland Act 2006 ("the Act").

#### Background

1. On 2 July 2012, the private Rented Housing Committee ("the Committee) issued a determination in respect of the Landlord's failure to comply with the duty imposed by Section 14(1)(b) On the same date, the Committee issued a Repairing Standard Enforcement Order ("RSEO"). In particular, the Private Rented Housing Committee required the Landlord of the property to take such action as is necessary to:-
  - (a) Instruct a full inspection of the roof at the property by a competent and experienced roofer and to thereafter carry out such works as are reasonably necessary and identified in terms of the roofer's report to ensure that the roof of the property is repaired so that it is in all respects wind and watertight.
  - (b) To clear and maintain the guttering at the property so that they are in a reasonable state of repair and in proper working order.
  - (c) Instruct a suitably qualified electrician to inspect the electrics in the rear bedroom of the property and to carry out such repairs as are recommended by that electrician to

ensure that the electrics are in a reasonable state of repair and in proper working order.

2. The Committee ordered that the work specified in the RSEO must be carried out and completed from the date of the RSEO. The RSEO was dated 2 July 2012.
3. The Surveyor Member of the Committee reinspected the Committee on 12 September 2012. The Surveyor Member of the Committee prepared a written Report dated 17 September 2012. That Report was exhibited to both the Landlord and the tenant.
4. In terms of the Surveyor Member's Report dated 17 September 2012, the Surveyor Member noted that the works required in terms of the RSEO had only been partially undertaken and there were a number of outstanding issues which had not been addressed by the Landlord.
5. The Landlord had not confirmed to the Committee that a full inspection of the roof by a competent and experienced roofer had been carried out. It was evident from the Surveyor Member's inspection that some roof tiles on the roof had been replaced. The Landlord has, however, failed to produce any evidence that a full inspection of the roof has been carried out by a competent and experience roofer and that all works as were necessary and identified in terms of that report had been completed. By email dated 23 October 2012, the Landlord acknowledged receipt of a copy of the Surveyor's Report. In relation to the work which was required to the roof they stated that this work was "completed". The Committee do not accept that their requirements as set out in the RSEO have been completed as no Report on the condition of the roof has been made available.
6. At the time of the Surveyor's inspection, the Surveyor noted that no work had been carried out to clear and maintain the guttering at the property. Following the issue of the Surveyor Member's Report of 17 September 2012, the Landlords contacted the offices of the Private Rented Housing Panel. The Landlord reported on 25 October 2012 that the gutter cleaning had been completed at the property.
7. The Landlord has failed to exhibit any evidence that a suitably qualified electrician has inspected the electrics in the rear bedroom of the property nor have they confirmed that they have carried out any of the repairs as recommended by such an electrician to ensure that the electrics within the property are in a reasonable state of repair and in proper working order. By email dated 23 October 2012, the Landlords indicated that they have instructed a contractor to carry out electrical works on the property. No Report or confirmation of the position has been received from the Landlord as to whether or not that work has now been completed.
8. In all the circumstances, the Committee determined that the Landlord had failed to comply with the terms of the Repairing Standard Enforcement Order dated 2 July 2012.

#### **Effect of failing to comply with the Repairing Standard Enforcement Order**

9. Having determined that the Landlord has failed to comply with the Repairing Standard Enforcement Order, the Committee must now serve Notice of the Landlord's failure in this respect on the Local Authority in accordance with Section 26(2)(a) of the Act.
10. Having determined that the Landlord has failed to comply with the Repairing Standard Enforcement Order, the Committee proceeded to consider whether to make a rent relief order in terms of Section 26(2)(b) and Section 27 of the Act.
11. Where the Committee has decided that a Landlord has failed to comply with a RSEO, the Committee may make a rent relief order in terms of Section 27(1) of the Act which reduces any rent payable under the tenancy in question by such amount (not exceeding 90% of the rent which would, but for the order, be payable) as may be specified in that order.

Having considered the matter further, the Committee are satisfied that it is appropriate to grant a rent relief order. The tenant had been severely inconvenienced as a consequence of

water ingress into his property. He has been unable to use one of the bedrooms within the property and some of his own personal possessions had been damaged. In addition, the Committee are not satisfied that the Landlord is taking sufficient action to address the issues which are outstanding in respect of the RSEO which has been issued. Whilst the Landlord may have arranged for some works to be done on the roof of the property, the Committee are concerned that the condition of the roof may mean that the property could suffer from further water ingress. The Committee are not satisfied that the roof is wind and watertight and that the property was in a reasonable state of repair. The Landlord has failed to produce a Report on the condition of the roof or in relation to the electrics within the property as required in terms of the RSEO.

Weighing up matters as best the Committee could, and using the Committee's own specialist expertise and knowledge, the Committee determined that a rent relief order which reduced the rent payable under the tenancy in question by 50% was an appropriate order to be granted.

12. It is for the Landlord to fully satisfy the Committee that the Landlord has complied with the terms of the RSEO. The Landlord has failed to do so. The Landlord can contact the Committee and confirm when they believe they have fully complied with the terms of the RSEO.

#### 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 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.

**A Cowan**

Signed .....  
Chairperson

Date 30/10/12

**L McManus**

.....Witness

Laura McManus, Secretary, TC Young  
7 West George Street, Glasgow G2 1BA

