



RENT RELIEF ORDER

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: FK1/70/10

PROPERTY

TITLE NUMBER STG3570

PARTIES

LEE & KELLYANNE SYME, residing at 147 Cumbrae Drive, Falkirk, FK1 4AP

and

Tenant

SARAH SABIR, residing at 63 Kilsyth Road, Haggs, Bonnybridge, Falkirk

Landlord

RENT RELIEF ORDER ('RR0') AGAINST, SARAH SABIR, residing at 63 Kilsyth Road, Haggs, Bonnybridge, Falkirk, landlord of the subjects known as and forming 147 Cumbrae Drive, Falkirk, FK1 TITLE NUMBER STG3570.

1. **WHEREAS** in terms of their decision dated 13th October, 2010, 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

property made by the Committee.

2. 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 property by an amount of 75% 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.

RIGHT OF APPEAL

3. 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.

EFFECT OF APPEAL

4. 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 typewritten consisting of this and the preceding page are subscribed by me, Steven Peter Walker, Advocate & Barrister, Chairman of the Private Rented Housing Committee, at London on the thirteenth day of October two thousand and ten before this witness, Andrew Farrugia, solicitor, 2-5 Warwick Court, London, WC1R 5DJ..

S Walker

Chairman

A Farrugia

Witness



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

147 Cumbrae Drive, Tamforhill, Falkirk, FK1 4AP

RE-INSPECTION & HEARING

30th September, 2010

STATEMENT OF REASONS

INTRODUCTION

1. By decision dated 30th July, 2010 this Committee determined that the landlord has failed to comply with the duty imposed on her by section 14(1)(b) of the Housing (Scotland) Act 2006 ('the Act') as the property fails to meet the repairing standard as set out in section 13(1) of the Act and imposed a Repairing Standard Enforcement Order ('RSEO') dated 3rd August, 2010 on the property.

2. The RSEO at paragraph 2 ordered the landlord to;-

"The Committee now requires the landlord carry out such work as is required to ensure the property meets the repairing standard and that any damage caused as a consequence of carrying out of any works in terms of this Order are also made good before the expiry of the Completion Date."

3. The RSEO at paragraph 3 ordered the landlord to;-

"HEREBY ORDERS the landlord to carry out the following repairs ('the Works');-

(a) Hall floor boards are damp and require repair;

The floor boards are warped and require repair to ensure they are in a reasonable state of repair and in proper working order.

(b) Downstairs bathroom is damp and tiling and shelf requires repair;

The tiling is broken and missing and the shelf above the toilet is loose and requires repair to ensure it is in a reasonable state of repair and in proper working order.

(c) Upstairs bathroom flooring and tiling requires repair;

The flooring is warped and tiling is broken and missing in the upstairs toilet and requires repair to ensure it is in a reasonable state of repair and in proper working order.

(d) Livingroom window central pain of glass is loose and cornice is damaged and requires repair;

The livingroom window central pain of glass is loose and also the cornice is damaged and requires repair to ensure it is in a reasonable state of repair and in proper working order.

(e) Kitchen flooring and units requires repair;

The kitchen flooring has large holes and is in a poor state of repair as are the units which are also in a poor state of repair which requires repair to ensure they are in a reasonable state of repair and in proper working order.

(f) Front door is draughty at the lock side and bottom of the door.

The front door is draughty at the lock and bottom of the door and requires repair to ensure it is wind and water tight and in all other respects reasonably fit for human habitation and in a reasonable state of repair and in proper working order.

*The Committee **HEREBY FURTHER ORDERS** that the Works specified in this Order must be carried out and completed before the expiry of the Completion Date of **FOUR WEEKS** from the date of service of this Order."*

THE RE-INSPECTION

4. The Committee re-inspected the property on 30th September, 2010. Only the tenant was present at the inspection. Neither the landlord nor her agent, Mr. Mohammed Sabir attended. The Committee observed that the landlord had failed to comply with Order 3(a) in that there has been partial repair of the floor but this is not been finished with a floor covering, 3(c) in that there has been partial repair of the floor but this is not been finished with a floor covering, 3(d) full default, 3(e) in that there has been partial repair of the floor but this is not been finished with a floor covering and partial repair of the kitchen units as the wall mounted units have not been repaired, and 3(f) full default.

THE HEARING

5. The hearing took place at the Best Western Park Hotel, Falkirk, on 30th September, 2010. Only the tenant attended. Neither the landlord nor her agent attended the Hearing notwithstanding prior intimation about this date. The tenant advised the Committee the works which had been done to the property by the landlord had only been done approximately one week prior to the re-inspection. Prior to the re-inspection date, the landlord's agent had also been in discussions with the tenant's solicitor, Mr. Mallon of RMS Law LLP, Falkirk, regarding arranging access to the property to carry out repairs. Access had been arranged but there was only partial completion of the Order.

DECISION & REASONS

6. The Committee having heard the tenant and his solicitor considered whether a Rent Relief Order ('RRO') should be made in terms of section 27 of the Act and determined that an RRO should be made given the landlord's failure to comply in full with the RSEO without reasonable excuse.
7. The Committee then considered the amount by which the rent should be reduced taking into account (1) the impact on the tenant of the failure to carry out the repairs, and (2) the failure by the landlord to carry out the repairs in direct contravention of an Order made by this Committee.
8. The Committee having made such enquiries as it deems appropriate at the Hearing, accordingly determines that the landlord has failed to comply with the RSEO in terms of section 26(1) of the Act and that notice of this failure shall be served on the relevant local authority and the Police instructed to inform the Procurator Fiscal of this offence for prosecution.

9. Accordingly, in the circumstances the Committee determines that an RRO should be made in terms of section 27 of the Act and determines that an appropriate deduction is 75%.

EFFECTIVE DATE

10. The RRO is effective 28 days after the last date in which the RRO can be appealed under section 64 of the Act.

RIGHT OF APPEAL

11. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

12. 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.

S Walker

Signed 

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

13th October, 2010