



## Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: prhp/RP/13/0013

Re : Property at 126 Vexhim Park, Edinburgh EH15 3SE ("the Property")

**Sasine Description:** ALL and Whole the semi-detached dwellinghouse with garden ground pertaining thereto Number 126 Vexhim Park, Edinburgh in the County of Midlothian, being the subjects more particularly described in and disposed by Feu Disposition by Wimpey Homes Holdings Limited in favour of Stewart Logan and Brenda Polson dated 14 November and recorded in the Division of the General Register of Sasines applicable to the County of Midlothian 11 December, both months in 1989.

**The Parties:-**

Mohammed Razaq, sometime 126 Vexhim Park, Edinburgh, thereafter 248 Lasswade Road there and now care of Sheynes Property Group, 191 Crewe Road North, Edinburgh EH5 2NT ("the Landlord")

Amanda Ross, 126 Vexhim Park, Edinburgh EH15 3SE ("the Tenant")

### NOTICE TO MOHAMMED RAZAQ ("the Landlord")

Whereas in terms of their decision dated 16 August 2013, the Private Rented Housing Committee determined that the landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular that the landlord has failed to ensure that:-

- (a) the house is wind and water tight and in all other respects fit for human habitation,
- (c) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order, and
- (d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,

the Private Rented Housing Committee now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Private Rented Housing Committee requires the landlord:-

- (a) to instruct a Gas Safe registered contractor to examine and carry out such works as are necessary to put into proper working order all the central heating radiators in the property;
- (b) to instruct a suitably qualified contractor to carry out such repairs to the hob as are necessary to restore it to proper working order;
- (c) to instruct a joiner to enclose all the surface-mounted central heating piping in the Property;
- (d) to instruct a suitably qualified contractor to repair or replace all damaged power points in the Property and to securely fix the power point in the main bedroom and thereafter to exhibit to the Committee a current Periodic Inspection Report;
- (e) to instruct a suitably qualified contractor to carry out such repairs as are necessary to restore the oven to proper working order in accordance with current regulations;
- (f) to carry out such repairs as are necessary to make the front and rear external doors wind and water tight; and
- (g) to reglaze or replace the windows throughout the property and the glazed panels in the external doors.

The Private Rented Housing Committee order that the works specified in this Order must be carried out and completed within the period of six weeks from the date of service of this Notice.

**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, 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.

In witness whereof these presents type written on this and the preceding page) are executed by George Barrie Clark solicitor, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 16 August 2013 before this witness:-

**C Gallacher**  
\_\_\_\_\_ witness

Caroline Isobel Mary Gallacher  
25/1 Gullans Close  
Edinburgh

**G Clark**  
\_\_\_\_\_ chairman



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

prhp Ref: prhp/RP/13/0013

Re : Property at 126 Vexhim Park, Edinburgh EH15 3SE ("the Property")

The Parties:-

M/s Amanda Ross, 126 Vexhim Park, Edinburgh EH15 3SE ("the Tenant")

Mohammed Razaq, 248 Lasswade Road, Edinburgh and c/o Sheynes Property Group, 191 Crewe Road North, Edinburgh EH5 2NT("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) in relation to the house concerned, and taking account of the evidence led by both the Landlord and the Tenant at the hearing, determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

### Background

1. By application dated 20 March 2013 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("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 otherwise fit for human habitation,
  - (c) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
  - (d) any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order,
3. By letter dated 18 June 2013 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
4. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant.
5. Following service of the Notice of Referral, neither party made any further representations to the Committee.

6. The Private Rented Housing Committee inspected the Property on the morning of 16 August 2013. The Tenant was present during the inspection and was accompanied by Liz Murphy, a support worker from Circle in West Pilton. The Landlord was not present or represented at the inspection.
7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Thistle House, 91 Haymarket Terrace, Edinburgh. Neither party was present or represented at the hearing
8. The Committee comprised George Clark (Chairman), Ian Mowatt (surveyor) and Elaine Munroe (housing member).
9. The Tenant, in her application, submitted as follows:- the radiators did not work in any room except the lounge, the electricity sockets in the lounge did not function, all central heating pipes were exposed, causing her children to be burned, there was no gas safety certificate and yellow flames could be seen on the gas cooker, the boiler pressure had to be manually fixed daily and there were no seals on the windows or back or front doors., leading to draughts.
10. The Landlord made no submissions to the Committee following service of the application.

#### **Summary of the issues**

11. The issues to be determined were whether the Property met the repairing standard as laid down in Section 13 of the Act and whether the Landlord had complied with the duties imposed on landlords by Section 14(1)(b) of the Act.

#### **Findings of fact**

12. The Committee finds the following facts to be established:-
  - The tenancy is an assured tenancy, as the Tenant has stated she has never been offered a written lease.
  - From information provided by the Tenant at the inspection, the issue regarding boiler pressure has been resolved and radiators are now working, with the exception of those in the sitting room (which works only intermittently) and the boxroom (currently used as a third bedroom).
  - The electricity sockets in the lounge are now working, but a number of power points in the lounge and dining area are damaged and a power point in the main bedroom is loose.
  - Sections of the central heating piping (in the lounge, front bedroom and bathroom) are surface mounted rather than being recessed behind cavity walls or skirting boards. The exposed piping in the lounge has been temporarily boxed in by the Tenant to reduce the risk of harm to anyone coming in contact with it.
  - A Gas Safety Certificate dated 14 May 2013, issued by a contractor Brian Henderson has been seen by the Committee. The certificate contains a comment that the rear right hand burner of the hob is not working and this was confirmed by the Committee at the inspection. The electric oven also has an intermittent fault.
  - There are no seals to the front or rear external doors, which are not, therefore, wind and water proof.
  - The windows throughout the house, which are timber cased double glazed units and the glazed panels in the external doors all fail to meet the repairing standard. The units are all "blown" and have become partially opaque, restricting the natural light in the Property.
  - The Tenant at the inspection commented on the fact that the staircase was coming away from the wall. It did not form part of the application, so was not a matter on which the Committee could make a determination, but the surveyor member of the Committee did not find evidence of any structural implications.

### Reasons for the decision

13. The Committee decided on the evidence of the inspection and from information sought of the Tenant at the inspection, that the central heating system is not in proper working order, that the exposed central heating pipes present a hazard to those coming in contact with them, particularly small children, that the double glazing and the glazing in the external doors has deteriorated beyond repair, that the external doors are not wind and water tight and that some of the power points are damaged, the power point in the main bedroom being loose and potentially dangerous. The Landlord had made no representations to the Committee in advance of the inspection and had not attended or been represented at the inspection or the hearing, so had not sought to contradict the evidence provided by the Tenant in the application.

### Decision

14. The Committee accordingly determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
15. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1). (Delete if not appropriate).
16. The decision of the Committee was unanimous.

### Right of Appeal

17. 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

18. 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 **G Clark** ..... Date: 16 August 2013  
Chairperson