

**Repairing Standard Enforcement Order**  
**Ordered by the Private Rented Housing Committee**  
**Case reference number : PRHP/RP/13/0021**

Re:- Property at 275 Southbrae Drive, Jordanhill, Glasgow, G13 1TR ("the property")

**The Parties:-**

**Mr Iqbal Sheikh, residing at 275 Southbrae Drive, Jordanhill, Glasgow, G13 1TR ("the tenant")**

**And**

**Mr Vikas Sud and Mrs Shamly Sud, residing at Belmont House, 198 Nithsdale Road, Pollokshields, Glasgow, G41 5EU ("the landlords")**

**Notice to Mr Vikas Sud and Mrs Shamly Sud**

Whereas in terms of the decision dated 4 September 2013 the Private Rented Housing Committee determined that the landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 and in particular the landlords had failed to ensure that:-

- (a) the house is wind and watertight and in all respects reasonably fit for human habitation
- (b) 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
- (c) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order

upon the tenant's use of the back garden. Accordingly the Committee determined that the landlord should be ordered to remove the tree and to restore the garden to its condition at the commencement of the tenancy.

14. The committee took the view they would make no order with regard to the tiling within the shower. Although the tiling was unsightly, it appeared to be functioning correctly. The committee also had received a letter dated 6 June 2013 from Legal Services Agency, the applicant's previous agents, that the tiles in the bathroom had been replaced and should no longer be treated as part of the application. Accordingly the Committee took the view that the tiling was in "proper working order".
15. The Committee accordingly determined to make a Repairing Standard enforcement Order ("RSEO") as required in terms of Section 24(2) of the Act.
16. The decision of the Committee was unanimous.

### Rights of Appeal

17. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
18. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

### Effects of Section 63

19. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.
20. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

**J Bauld**

Signed.....

James Bauld, Chairperson

Date... 4 September 2013 .....

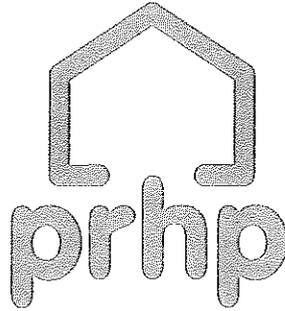
Signature of Witness... **G Williams** .....

Date... 4/9/13 .....

Name: CALLIAN WILLIAMS

Address: 7 West George Street, Glasgow, G2 1BA

Designation: SENIOR CURR ADMINISTRATOR.



**Determination by Private Rented Housing Committee**

Statement of Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 24(1) of the Housing (Scotland) Act 2006

Case Reference Number: PRHP/RP/13/0021

Re:- Property at 275 Southbrae Drive, Jordanhill, Glasgow, G13 1TR ("**the property**")

LAND REGISTER NO: GLA185045

The Parties:-

Mr Iqbal Sheikh, residing at 275 Southbrae Drive, Jordanhill, Glasgow, G13 1TR ("**the tenant**")

And

Mr Vikas Sud and Mrs Shamly Sud, residing at Belmont House, 198 Nithsdale Road, Pollokshields, Glasgow, G41 5EU ("**the landlords**")

**The Committee comprised:-**

Mr James Bauld	- Chairperson
Mr Michael Links	- Surveyor member
Mr Chris Harvey	- Housing member

**Decision:-**

The Committee unanimously decided that the landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the 2006 Act"). The Committee accordingly proceeded to make a Repairing Standard Enforcement Order (RSEO) as required by Section 24(2) of the 2006 Act.

## **Background:-**

1. By application dated 18<sup>th</sup> April 2013, the tenant applied to the Private Rented Housing Panel ("PRHP") for a determination that the landlords had failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act.
2. In the application made by the tenant, the tenant stated that he considered that the landlords had failed to comply with their duties to ensure that the house met the repairing standard and in particular that the landlords had failed to ensure that the property was reasonably fit for human habitation and that in particular it was affected by dampness and mould in the bedroom and bathroom, that the shower in the bathroom was not working properly, that there were broken tiles within the shower and that there was a fallen tree in the garden. The tenant also complained the kitchen unit doors were broken.
3. By letter dated 18<sup>th</sup> June 2013 the president of the PRHP intimated a decision to refer the application under Section 22(1) of the 2006 Act to a Private Rented Housing Committee.
4. By letter dated 25<sup>th</sup> July 2013, the Committee served notice of referral under and in terms of the 2006 Act upon both the landlords and the tenant indicating that an inspection and a hearing would take place on 14<sup>th</sup> August 2013.
5. The Committee inspected the property on the morning of 14<sup>th</sup> August 2013. The tenant was present during the inspection and was assisted by his daughter Ms Iram Iqbal. The landlords were neither present nor represented. Ms Sarah O'Neill, PRHP member attended the hearing and inspection as an observer.
6. Following the inspection of the property the Committee held a hearing at the offices of the PRHP in Glasgow. The tenant attended personally. The landlords were neither present nor represented.

## **Summary of Issues**

5. The issues complained of by the tenant in his application before the Committee and at the hearing related to complaints that the property was subject to dampness and in particular mould and condensation, that the shower within the bathroom was not working properly, that tiling within the shower was faulty, that a large tree had fallen in the back garden and had not been removed and that the kitchen doors and units within the kitchen were in a state of disrepair. In the application the tenant had also complained that a tap in the bathroom was broken. At the inspection the tenant indicated that he had repaired the tap himself and accordingly he did not wish that to be considered by the Committee.

## **Findings in Fact**

6. Having considered all the evidence the Committee found the following facts to be established.
  - a. The subjects of let comprised a detached single storey dwellinghouse. The building is constructed of brick, roughcast rendered externally having a pitched and tiled roof. The exterior walls have been rough casted. Internally the property consists of two public rooms, three bedrooms, kitchen, bathroom and hall. The windows throughout the property are UPVC double glazed units. The property has a full gas fired central heating system. The property has substantial garden ground to the front, side and rear of the property. The property also has a detached garage to the side of the property. The property is located in a residential area and is close to all the usual local amenities including public transport. The property is occupied by the tenant, his wife and their two adult children.
  - b. Within certain rooms in the property, in particular the main front bedroom, the bathroom and the living room there was evidence of mould on the ceilings. The

surveyor member of the Committee took Protimeter readings in various places. In most areas the Protimeter readings confirmed that despite the existence of black mould staining the underlying areas were dry.

- c. Within the bathroom the shower to the property was not functioning properly. It did not produce hot water. It was noted that the broken tiles which had been in the original complaint had been replaced although the replacement tiles did not match the existing tiles and in general the tiling round the shower was of a very poor quality.
- d. Within the kitchen, it was noted that several of the kitchen unit doors were broken and in dangerous condition. In particular one of the upper units was held on by one single hinge and when opened was a potential danger of becoming loose and falling.
- e. Within the rear garden a tree had fallen and was lying across the garden. The position of the tree meant that a substantial part of the garden could not be used and the tenant was concerned with regard to the safety of his grandchildren when they visited.

### Reasons for Decision

7. The Committee considered the issues of disrepair set out in the application and noted at the inspection and hearing.
8. At the hearing, the Committee closely questioned the tenant with regard to his complaints.
9. With regard to the dampness, the tenant indicated he had moved into the property in November 2009. He indicated that there had been no problem with dampness in the first year or so. He indicated that the mould had started to appear in the front bedroom and the living room over the last two years. He indicated that he thought these rooms were kept properly ventilated although he conceded that windows would be closed at night. It was noted by the Committee that some clothes were drying on radiators within the living room. The tenant admitted that he slept in a different bedroom where he kept his window open all night. He accepted that in that bedroom there was no mould growth at all.
10. The Committee took the view that there was evidence of mould growth within certain rooms in the property. The committee could not ascertain the cause of the mould growth. The Committee were unable to ascertain whether the mould growth was caused by a lack of proper heating, a lack of proper insulation or a lack of proper ventilation or whether the mould growth was caused by the tenant's use of the property. Accordingly the Committee determined that they would call upon the landlord to obtain an appropriate report from an independent specialist to ascertain the causes of the mould and to report on remedies for same.
11. With regard to the shower, the Committee tested the shower during their inspection. It was apparent that the temperature of the water produced by the shower was very low. It was clearly not in a reasonable state of repair nor in proper working order. The Committee accordingly determined that an order would be made requiring repairs to be carried out to the shower to ensure that it produced sufficient hot water to enable a shower to be taken by the tenant and his family.
12. The Committee during its inspection noted that the kitchen unit doors within the kitchen were all in a substantial state of disrepair. Many had broken hinges. One was held on by only one hinge and when opened was almost falling off. The tenant indicated that he had replaced some hinges. However the doors were all in a poor state of repair and it was clear that they required to be replaced.
13. The Committee determined that the tree was impinging upon the use of the garden. In terms of the relevant definitions in the Housing (Scotland) Act 2006, the garden is part of the house and it was clear that the existence of the fallen tree was impinging significantly

The Private Rented Housing Committee now requires the landlords to carry out such work as is necessary for the purpose of ensuring that the house concerned meets the repairing standard and that any damage caused by the carrying out of the works in terms of the order is made good.

In particular the Private Rented Housing Committee requires the landlords to carry out the following work

- To instruct an appropriate independent expert to attend at the property and to ascertain the causes of the mould and condensation within the living room and front bedroom and to ensure that any recommendations in the report produced by that expert are implemented.
- To repair and/or replace all kitchen unit doors.
- To repair and/or replace the shower to restore it to a state of being in proper working order and in a reasonable state of repair.
- To remove the fallen tree in the back garden.

The Private Rented Housing Committee orders that the works specified in this order must be carried out within forty two days of the date of this Order.

A landlord or tenant aggrieved by the decision of the 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 PRHP or the Committee which made the decision.

Where such an appeal is made the effect of the decision or 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 decision and the order are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed..... **J Bauld** .....

James Bauld, Chairperson

Date... *4 September 2013* .....

Signature of Witness... **G Williams** ...

Date... *4/9/13* .....

Name: Gillian Williams

Address: 7 West George Street, Glasgow, G2 1BA

Designation: Senior Court Administrator