



## **Repairing Standard Enforcement Order**

### **Ordered by the Private Rented Housing Committee**

Case reference number: prhp/rp/14/0179

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 by Ms Maya Hoffman residing at 17, Barclay Square, Renfrew PA4 8DZ ("the Tenant") against R & J Properties having a place of business at 65, Causeyside Street, Paisley, PA4 8DZ ("the Landlords") with regard to the subjects at 17 Barclay Square, Renfrew PA4 8DZ being the subjects registered in the Land Register for Scotland under Title Number REN42292 ("the Property")

#### Committee Members

Karen Moore (Chairperson)

Alexander Carmichael (Surveyor Member)

Colin Campbell (Housing Member)

#### **NOTICE TO THE LANDLORDS R & J PROPERTIES,**

**having a place of business at 65, Causeyside Street, Paisley, PA4 8DZ**

Whereas in terms of their decision dated 28 January 2015, the Private Rented Housing Committee determined that the Landlords had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular that the Landlords had failed to ensure that the Property is wind and watertight and in all other respects reasonably fit for human habitation and that the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

The Private Rented Housing Committee now requires the Landlords to carry out the following works (or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good):-

1.The Landlords are :-

(a) within fourteen calendar days of the date of this Order, to instruct an inspection of and a Report on the entire lower walls and sub floor areas of the Property. The inspection and Report are to be

carried out by a competent firm of damp proofing and timber specialists, a competent firm being a firm capable of providing a 30 year timber specialists' guarantee. The inspection and Report should address the extent of the rising and penetrating dampness within the Property, the causes of the said rising and penetrating dampness and should recommend works necessary to remedy the said rising and penetrating dampness and prevent the recurrence of same;

(b) to submit the said Report to the Committee within fourteen calendar days of the date of the Report;

(c) to carry out such works as recommended by the said Report and that within a period of eighty four calendar days from the date of the Report and

(d) to install within the Property a sufficient number of hard wired smoke and heat detectors in compliance with current Building Regulations and the guidance set out in the Domestic Technical Handbook and that within a period of fourteen calendar days from the date of this Order .

2. The Private Rented Housing Committee order that the Report specified in this Order must be carried out and completed within forty two calendar days of the date of instruction referred to in paragraph 1(a) above.

A Landlord or a Tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within twenty one 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 this Order comprising this and the preceding page are signed by Karen Moore, Chairperson of the Private Rented Housing Committee at Glasgow on 28 January 2015 before this witness, Norman William Moore, Suite 11 Dunswood House, Dunswood Road, Cumbernauld, G67 3EN

Norman William Moore

*Witness*

Karen Moore

*Chairperson*



## **Determination by Private Rented Housing Committee**

### **Minute of Continuation to a Determination being a decision of the Private Rented Housing Committee issued under Schedule 2, Paragraph 7(3) of the Housing (Scotland) Act 2006**

Ref prhp/rp/14/0179

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 by Ms Maya Hoffman residing at 17, Barclay Square, Renfrew, PA4 8DZ ("the Tenant") against R & J Properties having a place of business at 65, Causeyside Street, Paisley, PA4 8DZ ("the Landlords")

Re: Property 17 Barclay Square, Renfrew, PA4 8DZ ("the Property")

#### Committee Members

Karen Moore (Chairperson)

Alexander Carmichael (Surveyor Member)

Colin Campbell (Housing Member)

1. By application dated 18 July 2014 and signed by the Tenant, ("the Application"), Renfrewshire Citizens' Advice Bureau on behalf of the Tenant applied to the Private Rented Housing Panel for a determination that the Landlords had failed to comply with the duty imposed on them by Section 14 (1) (b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Sections 13 (1) (a) of the Act.
2. By letter sent to the Committee on 17 December 2014, Renfrewshire Citizens' Advice Bureau intimated to the Committee that the Tenant considered that the repairs issued had been resolved and wished to cancel the Inspection and Hearing.
3. The Committee replied as follows: The letter is unsigned and indicates that the applicant "would like to cancel the visit and hearing". Although, it is stated that the "repairs issue is resolved", it is not clear to the Committee if the applicant requests an adjournment of the Hearing or if she is withdrawing her application in terms of paragraph 7 (1) to Schedule 2 of the Housing (Scotland)

Act 2006. Please contact the applicant to clarify. When responding to the prhp with this clarification, please confirm that you are acting on the instructions of the applicant. If you replying by letter, please sign the letter. The Committee will consider the applicant's request, but, it is fair to say that, given the timescale, it is unlikely that the Committee will have sufficient time to deal with this before the scheduled Inspection and Hearing. Therefore, at present, it is the intention that the Inspection and Hearing will take place tomorrow at 10.00 am and 11.30 am respectively." The party referred to as the applicant in the foregoing is the Tenant.

4. By letter sent to the Committee on 18 December 2014, Renfrewshire Citizens' Advice Bureau confirmed to the Committee that they had contacted the Tenant who instructed them as her agent that she wished to withdraw her application as the dampness had been treated and so she considered that the matter complained of in the Application had been remedied by the Landlords.
5. The Committee then gave consideration to the Tenant's withdrawal of the Application and whether the Application should be determined or abandoned in terms of paragraph 7(3)(b) of Schedule 2 to the Act.
6. The Committee formed the view that as the nature of the Tenant's complaint as outlined in the Application was serious, being described as "considerable dampness in both bedrooms, the living room and hall", as the Landlords had made a failed attempt at a repair previously and that as recently as September 2014, the Tenant had been pursuing her complaint, the Committee took the view that notwithstanding the Tenant's withdrawal of the Application, there was sufficient concern that the matter complained of might not have been fully resolved to meet the Repairing Standard as required by the Act. Accordingly the Committee continued with the proceedings in terms of paragraph 7(3)(b) of Schedule 2 to the Act .

## Karen Moore

Karen Moore (Chairperson)

19 December 2014