



REPAIRING STANDARD ENFORCEMENT ORDER

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: prhp/G41/17/11

PROPERTY

Flat 2/2, 26 Leven Street, Glasgow, G41 2JE Title Number GLA106439

PARTIES

MR MATOS FERKO, formerly residing at Flat 2/2, 26 Leven Street, Glasgow, G41 2JE.

Tenant

and

MR IRFAN RAZZAQ, c/o Dixon Property, 701 Cathcart Road, Glasgow.

Landlord

REPAIRING STANDARD ENFORCEMENT ORDER ('RSEO') AGAINST,

MR IRFAN RAZZAQ, c/o Dixon Property, 701 Cathcart Road, Glasgow, G42 8UA.

1. **WHEREAS** in terms of their decision dated 21st April, 2011 the Private Rented Housing Committee ('the Committee') determined that the landlord has failed to comply with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act

2006 ('the Act') and in particular the property fails to meet the repairing standard as set out in section 13(1) of the Act.

2. The Committee now requires the landlord to 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.

THE ORDER

3. In particular, and without prejudice to the foregoing generality, the Committee **HEREBY ORDERS** the landlord to carry out the following repairs ('the Works');-
 1. The pests, in particular rodents and insects, in the property require eradication to ensure that the property is in all other respects reasonably fit for human habitation.
 2. The gas cooker requires repair/replacement to ensure that the gas cooker is in a reasonable state of repair and in proper working order.
 3. The front door of the flat requires repair/replacement to ensure it is in a reasonable state of repair and in proper working order.
4. 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.

RIGHT OF APPEAL

5. 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

6. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

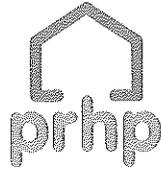
IN WITNESS WHEREOF these presents typewritten consisting of this and the preceding two pages are subscribed by me, Steven Peter Walker, Advocate & Barrister, Chairman of the Private Rented Housing Committee, at London on the twenty first day of April two thousand and eleven before this witness, Hee Kiat Sii, solicitor, c/o 2-5 Warwick Court, London.

 **S Walker**

Chairman

 **H K Sii**

Witness



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

Flat 2/2, 26 Leven Street, Glasgow, G41 2JE

INSPECTION & HEARING

13th April, 2011

STATEMENT OF REASONS

INTRODUCTION

1. This is an application dated 26th January, 2011 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mr Matos Ferko ('the tenant') regarding the property known as and forming Flat 2/2, 26 Leven Street, Glasgow, G41 2JE Title Number GLA106439 ('the property'). The landlord of the property is Mr Irfan Razzaq ('the landlord') c/o Dixon Property ('the agent'), 701 Cathcart Road, Glasgow, G42 8UA.
2. In the application the tenant contends that the landlord has failed to comply with the duty imposed on him by section 14(1)(b) of the Act as the property fails to meet the repairing standard as set out in section 13(1) of the Act.
3. The Committee comprised

Chairman	Mr Steven Walker
Surveyor	Mr Mike Links
Housing Member	Mr Scott Campbell

The Committee was assisted by the Clerk to Committee, Mr Robert Shea. Also present was a Czech, Slovak interpreter and a PRHP new Chairman observer.

THE DOCUMENTATION

4. The Committee considered all the documents referred to it by the parties.

THE INSPECTION

5. The Committee inspected the property. The tenant had ceased occupation of the property sometime prior to the inspection although was present at the inspection. The new tenants as well as a large number of friends and family were also present. Neither the landlord nor any representative appeared.

DESCRIPTION OF THE PROPERTY

6. The property is a top floor flat in a traditional blond Glasgow Victorian tenement constructed c. 1885, principally of stone construction beneath a tiled roof, comprising of 2 bedrooms, bathroom, kitchen/dining room and living room. Generally, the property is in a poor state of repair.

THE HEARING

7. The hearing took place at the Private Rented Housing Panel Headquarters on 13th April, 2011. Neither party nor the new tenants attended the hearing. The tenant's complaint is that the landlord had failed to meet the repairing standard as detailed in the application. The tenant considers there has been a failure by the landlord to meet the repairing standard. The application before the Committee can be summarised as follows;-

1. Bathroom pipes are leaking;
2. Carpets and linoleum are in disrepair;
3. The property requires pest control;
4. The property has bed bugs;
5. The gas cooker is in disrepair;
6. The children have asthma;
7. The front door is broken.

THE ACT

8. Section 14(1)(b) of the Act provides;-

“14 Landlord's duty to repair and maintain

(1) The landlord in a tenancy must ensure that the house meets the repairing standard—

- (a) at the start of the tenancy, and
(b) at all times during the tenancy.”*

9. Section 13 of the Act provides;

“13 The repairing standard

(1) A house meets the repairing standard if—

- (a) the house is wind and water tight and in all other respects reasonably fit for human habitation,
(b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
(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,
(e) any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed, and
(f) the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.”*

FINDINGS OF FACT & REASONS

10. The complaints before the Committee as per the tenant's application and our determinations in relation to this are as follows:-

1. Bathroom pipes are leaking;

11. At the inspection there was no evidence that the bathroom pipes are leaking. Accordingly, the Committee determines that the bathroom pipes are in a reasonable state of repair and in proper working order.

2. Carpets and linoleum are in disrepair;

12. At the inspection there was no evidence that the carpets and linoleum are in disrepair. Accordingly, the Committee determines that the carpets and linoleum are in a reasonable state of repair and in proper working order.

3. The property requires pest control;

13. At the inspection there was evidence of pest infestation in the property, in particular by rodents and insects. The Committee was shown a number of eradication poisons which the tenant was using and which the current tenants are currently using. Accordingly, the Committee determines that the property is not in all other respects reasonably fit for human habitation.

4. The property has bed bugs;

14. At the inspection there was no evidence that the property has bed bugs. The tenant advised that the new tenants have replaced the mattresses. Accordingly, the Committee determines, insofar as bed bugs are concerned, that the property is reasonably fit for human habitation.

5. The gas cooker is in disrepair;

15. At the inspection there was evidence that the gas cooker was in disrepair with the gas rings either not working or poorly working. Some

of the ring fittings were also broken. Accordingly, the Committee determines that the gas cooker is not in a reasonable state of repair and in proper working order.

6. The children have asthma;

16. It is not clear to the Committee how this issue relates to the repairing standard and the complaints before this Committee. Accordingly, the Committee makes no determination in this regard.

7. The front door is broken.

17. At the inspection there was evidence that the front door of the flat was in disrepair. The front door had cracked door panels, a missing yale lock and broken mortice lock housing. Accordingly, the Committee determines that the front door is not in a reasonable state of repair and in proper working order.

SUMMARY OF DECISION

18. The Committee accordingly determines that the landlord has failed to comply with the duty imposed by section 14(1)(b) of the Act in respect of certain complaints.
19. The Committee accordingly makes a Repairing Standard Enforcement Order as required by section 24(1).

RIGHT OF APPEAL

20. 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

21. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed **S Walker**

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

21st April, 2011