



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re Ground floor flat, 343 Croftfoot Road, Glasgow, G44 5LN being the subjects registered in the land Register of Scotland under Title Number GLA52471 ('the Property')

The Parties:-

Mrs Alexa O'Hara residing sometime at 343 Croftfoot Road, Glasgow, G44 5LN ('The Tenant')

Karen Park residing at 351 Croftfoot Road, Glasgow and Alan Alexander Sneddon residing at 353 Croftfoot Road, Glasgow ('The Landlords')

NOTICE TO

Karen Park residing at 351 Croftfoot Road, Glasgow and Alan Alexander Sneddon residing at 353 Croftfoot Road, Glasgow

Whereas in terms of their decision dated 21st March 2013, the Private Rented Housing Committee determined that the Landlords have failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlords have failed to ensure that the Property was wind and water tight and in all other respects reasonably fit for human habitation and that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order.

The Private Rented Housing Committee now requires the Landlords to carry out such work as is necessary for the purposes of ensuring that the Property 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 Landlords to:-

- (1) Eradicate the dampness in the Living room, Kitchen, Bathroom and Hall and carry out necessary redecoration.
- (2) Repair the leaking water pipe at the wash hand basin in the bathroom.

The Private Rented Housing Committee order that these works must be carried out and completed By 31st JULY 2013.

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.

Signed..... **J Taylor** Date 21st March 2013

Chairperson.....  witness: ELIZABETH GIFFEN SHEDDEN, 65, High Street, Irvine



Determination by Private Rented Housing Committee

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

Re Ground floor flat, 343 Croftfoot Road, Glasgow, G44 5LN being the subjects registered in the land Register of Scotland under Title Number GLA52471 ('the Property')

The Parties:-

Mrs Alexa O'Hara residing sometime at 343 Croftfoot Road, Glasgow, G44 5LN ('The Tenant')

Karen Park residing at 351 Croftfoot Road, Glasgow and Alan Alexander Sneddon residing at 353 Croftfoot Road, Glasgow ('The Landlords')

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) of the Housing (Scotland) Act 2006 ("the Act") in relation to the Property, determined that the Landlords have failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 24th January 2013 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlords have failed to comply with the duties imposed by Section 14 (1)(b) of the Act.
2. The application by the Tenant stated that she considered that the Landlords have failed to comply with their duty to ensure that the Property meets the repairing standard. She advised that the Property was not wind and watertight and in all other respects reasonably fit for human habitation and that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and proper working order.

In particular the application stated that:-

- 2.1 There is dampness and mould growth throughout the property.
- 2.2 There is a leaking toilet bowl.
- 2.3 There is a leaking bathroom sink.
3. The President of the Private Rented Housing Panel, having considered the application, referred 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 Landlords and the Tenant, dated 30th January 2013.

5. Following service of the Notice of referral:-

- (a) The Landlords' Solicitors sent written representations to the effect that the Landlords do not consider that the Property fails to meet the repairing standard.
- (b) The Tenant's representative, Fiona Brown of Shelter, sent written representations to the effect that Mr Sneddon had inspected the property on 17th December 2012 and was aware of the repairs required. She also sent the PRHP a letter dated 4th March 2013 advising that the Tenant had vacated the Property.

6. The Committee attended at the Property on 11th March 2013. Karen Park, one of the Landlords and Mrs Sneddon, the mother of the other Landlord Alan Sneddon, were present.

They advised that the Tenant had recently moved out and this was the first time they had been in the Property since the keys had been returned to them. The Committee inspected the alleged defects and found as follows:-

6.1 There is dampness and mould growth throughout the property.

The committee looked in each of the rooms of the property to ascertain if there was dampness present. Where there was evidence of dampness the surveyor member took readings with the damp meter.

Bedroom One: no evidence of dampness.

Bedroom Two: There was some black mould on the external wall. The damp meter reading which was slightly high (13).

Bedroom Three: There was some black mould on one of the internal walls. The damp meter reading was slightly high (12).

Living Room: There was evidence of dampness in the area of the former fireplace and chimney breast. The damp meter reading was very high (25).

Kitchen: There was evidence of dampness in the external wall. The damp meter reading was off the scale.

Bathroom: There was evidence of dampness in the wall immediately on the left when entering the bathroom. The damp meter reading which was reasonably high (18).

Hall: There was evidence of dampness in the lower wall between the bathroom door and the entrance door. The damp meter reading was off the scale.

6.2 There is a leaking toilet bowl.

There was no evidence of the toilet bowl leaking.

6.3 There is a leaking bathroom sink.

The water pipe behind the sink was leaking and there was water on the bathroom floor.

Separately the Committee noted that the two hardwired smoke alarms were defective as the internal mechanisms had been removed,

7. The parties did not attend the hearing that had been scheduled to take place at the PRHP offices in Glasgow following the inspection.

Summary of the issues

8. The issues to be determined are:-

8.1 The Property is not wind and watertight and in all other respects reasonably fit for human habitation (Section 13(1)(a) of The Housing (Scotland) Act 2006).

Whether the condition of the dampness stated results in the Property not being wind and water tight and in all other respects reasonably fit for human habitation.

8.3 That the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and proper working order (Section 13(1)(c) of The Housing (Scotland) Act 2006).

Whether the toilet bowl and bathroom sink are in a reasonable state of repair and proper working order

Findings of fact

9. The committee found:-

9.1 The Property is not wind and watertight and in all other respects reasonably fit for human habitation (Section 13(1)(a) of The Housing (Scotland) Act 2006).

The dampness in the Living room, Kitchen, Bathroom and Hall does not result in the Property not being wind and watertight and in all other respects reasonably fit for human habitation.

9.2 That the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and proper working order (Section 13(1)(c) of The Housing (Scotland) Act 2006).

The toilet bowl was in proper working order. *However* the bathroom sink is not in a reasonable state of repair and proper working order because of the leaking water pipe.

Decision

10. The Committee accordingly determined that the Landlords had failed to comply with the duties imposed by Sections 13 (1)(a), 13(1)(c) and 14 of the Act, as stated.

The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1). The Repairing Standard enforcement Order has a time limit of the 31st July 2013 for the Landlords to carry out works necessary to bring the property up to the repairing standard.

10. The decision of the Committee was unanimous.

Right of Appeal

12. 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

13. 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.

Smoke Alarms

14. As the condition of the defective smoke alarms was not detailed in the application by the Tenant the Committee were unable to include a requirement to repair the smoke alarms in the Repairing Standard Enforcement Order. However the Landlords are reminded that section 15(f) of the Act requires that the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. To comply with the Repairing Standard the smoke alarms must be repaired prior to the Landlords re-letting the Property.

Signed **J Taylor** Date 21st March 2013.
Chairperson 