

REPAIRING STANDARD ENFORCEMENT ORDER
ORDERED by the Private Rented Housing Committee
Case Reference Number: PRPHP/G46/206/12

Re:- Property at 24 Hopeman Street, Thornliebank, Glasgow, G46 8EY ("the property")

Land Register Title Number:- **GLA101194**

The Parties:-

Cara Louise Britt, residing at 24 Hopeman Street, Thornliebank, Glasgow, G46 8EY ("the tenant")

And

Jeremy Robert Golker, residing at 19 Woodlands, London and Michael Shebson, residing at 16 Nachal Yeelah, Ramat Bet, Shemesh A, 99620, Israel per their agents Scott & McGuiness, having an office at 1 County Place, Paisley, PA1 1BN ("the landlords")

Notice to Jeremy Robert Golker and Michael Shedson and Scott & McGuiness

Whereas in terms of the decision dated 15th April 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 landlord had failed to ensure that:-

- (a) The house is wind and watertight; and
- (b) The structure and exterior of the house is in a reasonable state of repair.

The Private Rented Housing Committee requires the landlord to carry out the following work

- To carry out repairs to the walls in the bathroom, the hall and the hall cupboard to identify the cause of mould, condensation and dampness and to eradicate the mould, condensation and dampness.
- And thereafter re-decorate the property.

The Private Rented Housing Committee orders that the works specified in this Order must be carried out within six weeks 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 **15 April 2013**

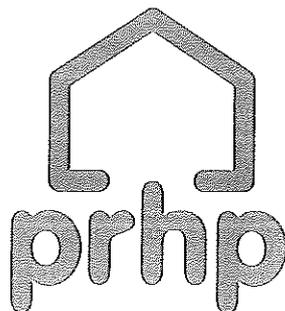
J Wilson
Signature of Witness

Date **15 April 2013**

Name **JONATHAN WILSON**

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

Designation: **TRAINEE SOLICITOR**



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/G46/206/12

Re:- Property at 24 Hopeman Street, Thornliebank, Glasgow, G46 8EY ("**the property**")

Land Register Title Number:- **GLA101194**

The Parties:-

Cara Louise Britt, residing at 24 Hopeman Street, Thornliebank, Glasgow, G46 8EY ("**the tenant**")

And

Jeremy Robert Golker, residing at 19 Woodlands, London and Michael Shebson, residing at 16 Nachal Yeelah, Ramat Bet, Shemesh A, 99620, Israel per their agents Scott & McGuiness, having an office at 1 County Place, Paisley, PA1 1BN ("**the landlords**")

The Committee comprised:-

Mr James Bauld	-Chairperson
Mr Michael Links	-Surveyor member
Mrs Susan Brown	-Housing member

Decision

The Committee unanimously decided that the landlord 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 26th October 2012, the tenant applied to the Private Rented Housing Panel ("PRHP") for a determination that the landlord 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 she considered that the landlord had failed to comply with his duty to ensure that the house met the repairing standard and that in particular the landlord had failed to ensure that the property was wind and water tight and in all other respects reasonably fit for human habitation and that in particular it was affected by dampness and condensation.
3. The tenant subsequently provided further written information to the PRHP.
4. By letter dated 29th November 2012, the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the 2006 Act to a Private Rented Housing Committee. By letter dated 17th January 2013, the Private Rented Housing Committee served notice of referral under and in terms of the 2006 Act upon both the Landlords, the Landlords agent and the tenant indicating that an inspection and a hearing would take place on 7th February 2013.
5. Subsequent to the service of that notice, the parties contacted the offices of the PRHP and indicated they wished to postpone the hearing set for 7th February. The Committee agreed to postpone the hearing.
6. By letter dated 27th February 2013, the Committee served notice of referral again upon both the Landlords, the Landlords agents and the tenant indicating an inspection and hearing would now take place on 20th March 2013 at 10am.
7. The Committee inspected the property in the morning of 20th March 2013. The tenant was not present during the inspection but was represented by her father, Alexander Duncanson. The landlords were neither present nor represented by their agents.
8. Following the inspection of the property, the Committee held a hearing at the offices of the Private Rented Housing Panel in Glasgow. None of the parties were either present or represented at the hearing.

Summary of Issues

9. The issues complained of by the tenant in her application before the Committee relate to complaints that the property is subject to dampness and condensation.

Findings of Fact

10. Having considered all the evidence the Committee found the following facts to be established:-
 - a) The subjects of let comprised a ground floor flat in a two storey "four in a block" building. The building is constructed of brick or stone with a tiled roof. The exterior walls have been roughcasted. Internally the flat consists of a hall, living room, two bedrooms, kitchen

and bathroom. The windows throughout the property are wooden framed double glazed units. The property has partial gas central heating system. There is no radiator within the living room. The property has garden ground to the front, side and rear of the property. The property is located in a residential area and is close to the local shops. It is directly opposite a local primary school. It is reasonably placed for public transport facilities.

- b) Throughout the property there was evidence of mould caused by condensation. In particular black staining was noticed on the walls in the main bedroom to the rear of the property, within the hall cupboard, above the entrance door in the hall and in the bathroom. The bathroom and the hall and the hall cupboard are all at the gable end of the property and have an exterior wall.
- c) The surveyor member of the Committee took protimeter readings in various places. These confirmed the existence of dampness in certain areas of the property and in particular within the bathroom, above the front door and in the hall cupboard. In other areas, the protimeter readings confirmed that despite the existence of black staining, the underlying areas were dry.
- d) There was also areas within the bedrooms with black staining on the walls which the Committee believed were caused by condensation. These areas did not show active dampness and the Committee believed them to be superficial and cosmetic.

Reasons for Decision

- 11. The Committee considered the issues of disrepair set out as above and discussed them at the hearing in the absence of the parties. The Committee concluded that the damp patches within the bathroom, hall and hall cupboard indicated that the property was not water tight and was not in all respects reasonably fit for human habitation. The Committee were satisfied that this failure constituted a clear breach of Section 13 (1) of the 2006 Act. The Committee were not satisfied that the black staining on the walls in the bedrooms and living room constituted a failure on the part of the landlord in respect of Section 13 (1) of the Act. The Committee took the view that these patches of black staining were simply cosmetic and superficial and did not show evidence of dampness. The Committee determined that the areas of dampness in the bathroom, hall and hall cupboard all required to be attended to before the house could be said to meet the repairing standard.
- 12. The Committee accordingly determined to make a Repairing Standard Enforcement Order as required in terms of Section 24 (2) of Act.
- 13. The decision of the Committee was unanimous.

Rights of Appeal

- 14. 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.
- 15. The appropriate respondent in such appeal proceedings is the other Party to proceedings and not the PRHP of the Committee which made the decision.

Effects of Section 63

- 16. 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.
- 17. 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.

Signed J Bauld

Date 15 April 2013

James Bauld, Chairperson

Signature of Witness J Wilson

Date 15 April 2013

Name, address and occupation of the witness (please print):- JONATHAN WILSON
TRAINEE SOLICITOR.

7 West George Street, Glasgow, G2 1BA