



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re 58 Lockerbie Road, Dumfries, DG1 3BL being the subjects registered in the Land Register of Scotland under Title Number DMF8382 ('the Property')

The Parties:-

Robert Wilson and Emma Holmes residing at 58 Lockerbie Road, Dumfries, DG1 3BL ('The Tenants')

Victor Balwinder Singh and Elayne Margaret Singh as partners for the Firm of V & E Singh of Beechwoodbank, Glencaple Road, Dumfries ('The Landlords')

NOTICE TO

Victor Balwinder Singh and Elayne Margaret Singh as partners for the Firm of V & E Singh of Beechwoodbank, Glencaple Road, Dumfries.

Whereas in terms of their decision dated 22nd October 2012, 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 structure and exterior of the property 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 Landlord to:-

- (1) Repair and make secure the guttering and downpipe at the rear of the Property.
- (2) Repair or renew the guttering at the front of the Property and
- (3) Repair the defective plaster to the camp ceiling in the upper front bedroom.

The Private Rented Housing Committee order that these works must be carried out and completed By 30th November 2012.

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 22nd October 2012
Chairperson
E Sheddon

...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 58 Lockerbie Road, Dumfries, DG1 3BL being the subjects registered in the Land Register of Scotland under Title Number DMF8382 ('the Property')

The Parties:-

Robert Wilson and Emma Holmes residing at 58 Lockerbie Road, Dumfries, DG1 3BL ('The Tenants')

Victor Balwinder Singh and Elayne Margaret Singh as partners for the Firm of V & E Singh of Beechwoodbank, Glencaple Road, Dumfries ('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 Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 3rd May 2012 the Tenants 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 stated that they considered that the Landlords have failed to comply with their duty to ensure that the Property meets the repairing standard. They advised that the Property was not wind and watertight and in all other respects reasonably fit for human habitation and that the structure and exterior of the Property (including the drains, gutters and external pipes) are not in a reasonable state of repair and proper working order.

In particular the application detailed the works they considered necessary:-

- Leaking roof in dining area (extension to house).
 - Damp on sloped ceiling at rear of property (may be connected to above point).
 - Leaking/rotten skylight window on stairs.
 - Broken guttering at front and rear of property.
 - Rotten window frame in rear bedroom.
 - Latch on bedroom window in front bedroom not shutting (tied at present).
 - Broken pane of glass in kitchen window.
 - Back door split (light can be seen through).
 - Noticeable cracks on front bedroom ceiling.
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 Tenants, dated 5th July 2012.
5. The Committee attended at the Property on 19th October 2012. Emma Holmes, one of the Tenants, was present. The Committee inspected the alleged defects and found as follows:-
 - 5.1 Leaking roof in dining area (extension to house).
The roof had been repaired and the wallpaper had been painted. There was no evidence of dampness at the inspection.
 - 5.2 Damp on sloped ceiling at rear of property (may be connected to above point).
There was no evidence of dampness at the inspection.
 - 5.3 Leaking/rotten skylight window on stairs.
There was no evidence of water ingress at the inspection. The skylight had a metal frame and appeared to be in a reasonable state of repair.
 - 5.4 Broken guttering at front and rear of property.
The cast iron gutter at the front of the Property was choked with vegetation. Water was dripping over the top of the choked gutter and causing damp staining to the external front elevation.
The downpipe at the rear of the Property was not secure. It was not attached to the swan neck fitting at the gutter and was resting on the grill of the drain at ground level.
 - 5.5 Rotten window frame in rear bedroom.
The window frame had been repaired.
 - 5.6 Latch on bedroom window in front bedroom not shutting (tied at present).
The window latch had been replaced. Whilst the screws were loose the fitting effectively locked the window.
 - 5.7 Broken pane of glass in kitchen window.
The broken pane of glass had been replaced.
 - 5.8 Back door split (light can be seen through).
The door had been repaired.
 - 5.9 Noticeable cracks on front bedroom ceiling.
A section of the plaster to the camp ceiling was cracked and appeared to have lost its key to the lathing.
6. Following the inspection of the Property the Private Rented Housing Committee attended at The Station Hotel, 49 Lovers Walk, Dumfries, DG1 1LT for the scheduled hearing. The parties did not attend.

7. Findings of the Committee

- (a) 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 Committee determined that the leaking roof in dining area; the damp on sloped ceiling at rear of property and the leaking/rotten skylight window on stairs had been satisfactorily repaired.
- (b) That the structure and exterior of the Property (including the drains, gutters and external pipes) are not in a reasonable state of repair and proper working order (Section 13(1)(b) of The Housing (Scotland) Act 2006).
The window frame in rear bedroom; the latch on bedroom window; the pane of glass in kitchen window and the back door had been satisfactorily repaired.

However the guttering at front and rear of property and the cracked plaster to the front bedroom camp ceiling were not in a reasonable state of repair and proper working order.

Decision

8. The Committee accordingly determined that the Landlords had failed to comply with the duties imposed by Section 13(1)(b) and 14 of the Act.
9. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1) of the Act.
10. The decision of the Committee was unanimous.

Right of Appeal

11. 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

12. 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 22nd October 2012
Chairperson