



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

Statement of Reasons for 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/RP/15/0238

Re:- Property at 20 Craigend Street, Anniesland, Glasgow, G13 2UL ("**the property**")

**LAND REGISTER NO: GLA55297**

The Parties:-

Ms Mary Campbell, residing formerly at 20 Craigend Street, Anniesland, Glasgow, G13 2UL ("**the former tenant**")

And

Mrs Mary McIntyre, residing at Flat 1/1, 4 Dalcross Street, Glasgow, G11 5RF ("**the landlord**")

#### **The Committee comprised:-**

Mr James Bauld - Chairperson

Mr Michael Links - Surveyor member

#### **Decision:-**

The Committee unanimously decided that the property complied with the Repairing Standard set out in Section 14 of the Housing (Scotland) Act 2006 ("the 2006 Act") and that the landlord has not failed to comply with any of the duties imposed upon the landlord by Section 14 of the same Act.

## **Background:-**

1. By application dated 25<sup>th</sup> August 2015, 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. The application made by the tenant stated that the tenant considered that the landlord had failed to comply with her duty to ensure that the house met the repairing standard and in particular that the house was not wind and watertight and was subject to water penetration.
3. The tenant had provided evidence of notification of these defects to the landlord.
4. The president of the PRHP decided to refer the application under Section 22(1) of the 2006 Act to a Private Rented Housing Committee ("the Committee"). By letter dated 5<sup>th</sup> October 2015 it was intimated to the parties that the Committee would inspect the property on 13<sup>th</sup> November 2015 and would thereafter hold a hearing.
5. A request was made to postpone the hearing and that request was granted by the Committee and a fresh date was set for the inspection and hearing on 15<sup>th</sup> December 2015. The reason for the postponement was a request from the parties indicating that the tenant was being re-housed by the local authority.
6. The Committee attended the property on the morning of 15<sup>th</sup> December to carry out the inspection. The landlord was present at the inspection and was represented by Mr Stephen Smith, solicitor from Messrs Archibald Sharpe, 270 Dumbarton Road, Glasgow, G11. The tenant was neither present nor represented at the inspection.
7. Subsequent to the inspection, the Committee convened a hearing at Wellington House, Glasgow. The hearing was attended by the landlord and by her representative Mr Smith. The tenant was neither present nor represented at the hearing.

## **The Hearing**

8. At the hearing, the Committee indicated to the landlord and her representative that they had noted during the inspection that there appeared to be no evidence of ongoing water ingress into the property. The Committee had noted that the complaint by the tenant had related to the rear room on the ground floor. It was apparent during the inspection that the room had been recently redecorated and it had been indicated to the Committee that repairs had been carried out to the ceiling and coving within the room. The Committee had taken damp meter readings which showed some evidence of dampness on the lower part of the chimney breast wall with no evidence of dampness anywhere else in the room. The Committee also noted that external repairs had been carried out to the roof flashing.
9. The Committee noted the landlord's evidence that there was now no intention to re-let this property. The landlord indicated the property was being prepared for sale. The landlord indicated she intended to instruct solicitors to place the property on the market in January 2016. The committee noted the landlord's evidence that the tenant had left the property on 10<sup>th</sup> November 2015 and that she had returned the keys and that she was no longer occupying the property.

## **Findings of Fact**

10. Having considered all the evidence the Committee found the following facts to be established:-

- (a) The property is a mid-terrace one storey plus attic dwellinghouse. It is built directly onto the footpath. It is approximately 100 years old. It consists of an entrance hall, living room and rear room on the ground floor. There is a kitchen off the rear room which leads to a back garden. There are two bedrooms and a bathroom.
- (b) The Committee in its inspection could find no evidence of ongoing water ingress within the property. The property appeared to be in a reasonable state of repair throughout. The Committee noted that to the rear of the property was a small "lean-to" extension. The wooden frame of this "lean-to" extension was in a significant state of disrepair. The Committee could find no evidence to support any of the tenant's allegations regarding water ingress to the property.

### **Reasons for Decision**

- 11. The Committee carefully inspected the property and could find no evidence to support any of the allegations made by or on behalf of the tenant. The tenant was not present during the inspection nor did she attend the hearing. At the inspection, the Committee took the view that the property was generally in a reasonable state of repair and that it met the repairing standard. The Committee accordingly decided unanimously to dismiss the application.
- 12. The Committee would however comment that during the course of the inspection it was noted that the property did not have smoke alarms on each level. The Committee would indicate to the landlord that if she does decide to proceed to re-let the property then she will be required to install smoke alarms on each level and that these will require to be inter-linked and hard wired to meet the repairing standard. However, the Committee accepted the landlord's position that she does not intend to re-let the property. She intends to sell the property.
- 13. The decision of the Committee was unanimous to dismiss the application.

### **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 the 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**

James Bauld, Chairperson

Date...

21 January 2016

Signature of Witness...

**N Caldwell**

Date...

21 January 2016

Name:

NICOLA CALDWELL

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

Designation:

COURT ADMINISTRATOR