



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

33 Bridge Street, Strichen, Aberdeenshire, AB43 6SS

INSPECTION & HEARING

26th January, 2011

STATEMENT OF REASONS

INTRODUCTION

1. This is an application dated 9th September, 2010 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mrs Catriona Lamb ('the tenant') regarding the property known as and forming 33 Bridge Street, Strichen, Aberdeenshire, AB43 6SS ('the property'). The landlord of the property is Mr Allan Keith, residing at Hillhead of Burxie, Maud, Aberdeenshire, AB42 4RD ('the landlord').
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 Mark Andrew
Housing Member	Mr John Wolstencroft

The Committee was assisted by the Clerk to Committee, Mr Robert Shea.

THE DOCUMENTATION

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

THE INSPECTION

5. The Committee inspected the property. Only the landlord's daughter was present at the inspection. The tenant had ceased occupation of the property sometime prior to the inspection.

DESCRIPTION OF THE PROPERTY

6. The property is a first floor flat with attic rooms in a converted Victorian two storey house constructed c. 1885, principally of stone construction beneath a pitched and slated roof, comprising of 2 attic bedrooms, 3 bedrooms (bedroom 1 is adjacent to Bridge street, master bedroom has two windows and the middle bedroom is adjacent to the High Street), bathroom, kitchen/livingroom, toilet and coal room. The property is located in the centre of the village. The property is in a poor state of repair.

THE HEARING

7. The hearing took place at the Tufted Duck Hotel, St Combs on 26th January, 2011. Neither party attended the hearing. The tenant's complaint is that the landlord had failed to meet the repairing standard as detailed in the application. The application incorporates 18 complaints. The tenant considers there has been a failure by the landlord to meet the repairing standard on the following matters;-

1. **Roof is leaking in a number of places**
2. **Outside window sills are rotten away**
3. **Hole in floor where boards were rotten**
4. **Carpet in attic room is rotten under the window due to a leak**
5. **Large crack in kitchen window**
6. **Master bedroom wall is damp**
7. **Faulty lock on front door**

8. Broken window in coal room
9. Faulty kitchen doors
10. Damp in bathroom roof
11. Damp on wall and roof in middle bedroom and paper is peeling away
12. Faulty floorboards throughout the property
13. Faulty plug by the fireplace in the livingroom
14. Faulty plug in master bedroom not screwed to the wall
15. Crumbling wall at front door
16. Carpet in middle bedroom threadbare and coming away
17. Large burn hole in the livingroom carpet
18. There is no fire detection system

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. Roof is leaking in a number of places

11. At the inspection there was evidence of water penetration in the attic ceiling of both attic bedrooms. Accordingly, the Committee determines that the roof is not wind and water tight and in all other respects reasonably fit for human habitation.

2. Outside window sills are rotten away

12. At the inspection there was evidence that the outside wooden window sills were rotten away on all of the windows. Accordingly, the Committee determines that the outside window sills are not in a reasonable state of repair and in proper working order.

3. Hole in floor where boards were rotten

13. At the inspection there was no evidence of a hole in the floor where the boards are rotten. Accordingly, the Committee determines that the floorboards are in a reasonable state of repair and in proper working order.

4. Carpet in attic room is rotten under the window due to a leak

14. At the inspection the carpet in the attic room was in a generally poor state of repair and was rotten and paint covered. Accordingly, the Committee determines that the carpet in the attic is not in a reasonable state of repair and in proper working order.

5. Large crack in kitchen window

15. At the inspection there was no evidence of a large crack in the kitchen window. Accordingly, the Committee determines that the kitchen window pane is in a reasonable state of repair and in proper working order.

6. Master bedroom wall is damp

16. At the inspection there was evidence of damp on the wall of the master bedroom. Accordingly, the Committee determines that the wall is not water tight and in all other respects reasonably fit for human habitation.

7. Faulty lock on front door

17. At the inspection there was no evidence of a faulty lock on the front door. Accordingly, the Committee determines that the lock is in a reasonable state of repair and in proper working order.

8. Broken window in coal room

18. At the inspection there was no evidence of a broken window in the coal room. Accordingly, the Committee determines that the window is in a reasonable state of repair and in proper working order.

9. Faulty kitchen doors

19. At the inspection there was no evidence of any faulty kitchen doors. Accordingly, the Committee determines that the kitchen doors are in a reasonable state of repair and in proper working order.

10. Damp in bathroom roof

20. At the inspection there was evidence of damp on the ceiling/roof and the walls of the bathroom. Accordingly, the Committee determines that the bathroom is not water tight and in all other respects reasonably fit for human habitation.

11. Damp on wall and roof in middle bedroom and paper is peeling away

21. At the inspection there was evidence of damp on the wall and ceiling/roof of the middle bedroom and the wall paper is peeling away. Accordingly, the Committee determines that the middle bedroom is not water tight and in all other respects reasonably fit for human habitation. Furthermore, the Committee determines that the wall paper is not in a reasonable state of repair and in proper working order.

12. Faulty floorboards throughout the property

22. At the inspection there was no evidence of any faulty floorboards. Accordingly, the Committee determines that the floorboards are in a reasonable state of repair and in proper working order.

13. Faulty plug by the fireplace in the livingroom

23. At the inspection there was no evidence of any faulty plug. Accordingly, the Committee determines that the plug is in a reasonable state of repair and in proper working order.

14. Faulty plug in master bedroom not screwed to the wall

24. At the inspection there was no evidence of any faulty plug/electrical socket. Accordingly, the Committee determines that the plug is in a reasonable state of repair and in proper working order.

15. Crumbling wall at front door

25. At the inspection there was evidence of a crumbling wall inside the external front door. Accordingly, the Committee determines that the wall is not in a reasonable state of repair and in proper working order.

16. Carpet in middle bedroom threadbare and coming away

26. At the inspection there was no evidence that the carpet in the middle bedroom being threadbare and coming away. Accordingly, the Committee determines that the carpet is in a reasonable state of repair and in proper working order.

17. Large burn hole in the livingroom carpet

27. At the inspection there was evidence of a large burn hole in the livingroom carpet. Accordingly, the Committee determines that the carpet is not in a reasonable state of repair and in proper working order.

18. There is no fire detection system

28. There is no mains wired smoke alarm in the attic level which is interlinked with the mains wired smoke alarm on the first floor level. Accordingly, the Committee determines that the house has no satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

SUMMARY OF DECISION

29. 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.
30. The Committee accordingly makes a Repairing Standard Enforcement Order as required by section 24(1).

RIGHT OF APPEAL

31. 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

32. 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

11th February, 2011



REPAIRING STANDARD ENFORCEMENT ORDER

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: prhp/AB43/122/10

PROPERTY

All and whole the subjects know as and forming 33 Bridge Street, Strichen, Aberdeenshire above the shop known as and forming 40 High Street, Strichen, Aberdeenshire and staircase to same, bounded on the north by the High Street and on the west by Bridge Street being the subjects more particularly described in the disposition to Robert Skinner recorded in the General Register of Sasines for the County of Aberdeen on the second day of September nineteen hundred and forty eight.

PARTIES

MRS CATRIONA LAMB, residing at 33 Bridge Street, Strichen, Aberdeenshire, AB43 6SS.

Tenant

and

MR ALLAN KEITH, residing at Hillhead of Burxie, Maud, Aberdeenshire, AB42 4RD.

Landlord

REPAIRING STANDARD ENFORCEMENT ORDER ('RSEO') AGAINST, MR ALLAN KEITH, residing at Hillhead of Burxie, Maud, Aberdeenshire, AB42 4RD.

1. **WHEREAS** in terms of their decision dated 11th February, 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 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 roof is suffering from water penetration and requires repair to ensure that the roof is wind and water tight and in all other respects reasonably fit for human habitation.
 2. The outside window sills are rotten on all of the windows and require repair to ensure that the outside window sills are in a reasonable state of repair and in proper working order.
 3. The carpet in attic room is in a poor state of repair and is rotten and paint covered and requires replacement to ensure it is in a reasonable state of repair and in proper working order.

4. The master bedroom wall is damp and requires repair to ensure the wall is water tight and in all other respects reasonably fit for human habitation.
 5. The damp in bathroom requires repair to ensure the bathroom is water tight and in all other respects reasonably fit for human habitation.
 6. The damp on wall and ceiling in middle bedroom requires repair to ensure that the middle bedroom is water tight and in all other respects reasonably fit for human habitation and the wall paper requires replacement to ensure that the wall paper is in a reasonable state of repair and in proper working order.
 7. The crumbling wall inside the external front door requires repair to ensure that the wall is in a reasonable state of repair and in proper working order.
 8. The livingroom carpet, with the large burn hole, requires replacement to ensure that the carpet is in a reasonable state of repair and in proper working order.
 9. There is no adequate fire detection system and there requires to be one smoke alarm on the attic level which is mains wired and interlinked to the smoke alarm already on the first floor level of the property to ensure that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
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 **TWELVE 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 eleventh day of February 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