



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

PRHP REF: PRHP/RP/16/0113

Re: Property at 16 Rice Way, Motherwell ML1 2JL ("the Property")

Title Number: LAN 108408

The Parties:-

Christopher Kerr 56 Queens Parade, Bangor Antrim, BT20 3BH and Sean Longstaff 52 Ballyholme Esplanade, Bangor Antrim, BT20 5NJ: Christopher Kerr and Sean Longstaff c/o Penny Lane Homes, 67 High Street, Johnstone PA5 8QG ("the Landlord")

Carolyn Anderson 16 Rice Way, Motherwell ML1 2JL ("the Tenant")

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property dated 8 June 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

A landlord or a tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

In witness whereof these presents typewritten are executed by Josephine Bonnar, Solicitor, Chairperson of the Private Rented Housing Committee at Motherwell on 10 November 2016 before this witness:-

J Bonnar

—	Witness	Chairperson
Gerard Bonnar	Name in full	
58 Port Dundas Road	Address	
Glasgow		
Solicitor	Occupation	



**Statement of decision of the Private Rented Housing
Committee under Section 60 of the Housing
(Scotland) Act 2006**

PRHP Ref: RP/16/0113

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The Parties:-

Carolyn Anderson (“the Tenant”)

**Christopher Kerr 56 Queens Parade, Bangor, Antrim and Sean Longstaff
52 Ballyholme Esplanade, Bangor, Antrim; Christopher Kerr and Sean
Longstaff c/o Penny Lane Homes, 67 High Street, Johnstone, PA5 8QG
 (“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 Repairing
Standard Enforcement Order made on 8 June 2016 determined that the
Landlord has complied with the Order and that a Certificate of Completion
to that effect should be issued.**

The Committee comprised:-

Mrs Josephine Bonnar, Chairperson

Mr Ian Murning, Surveyor Member

Background

- 1. By application dated 23 March 2016 the Tenant applied to the
Private Rented Housing Panel for a determination of whether the
Landlord had failed to comply with the duties imposed by Section 14
(1)(b) of the Housing (Scotland) Act 2006 (“the Act”).**
- 2. The Application by the Tenant stated that the Tenant considered
that the Landlord had failed to comply with his duty to ensure that
the house meets the repairing standard and in particular that the
Landlord had failed to ensure that the house is wind and watertight
and in all other respects reasonably fit for human habitation.
Specifically the Tenant complained that there was no seal between
the glass and the wooden window frames and that mould formed in**

the gap, the windows were old and needed to be replaced, there were draughts from the back and front doors, a problem with the wall behind the washing machine and a damaged garden fence.

3. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant on 12 April 2016.
4. The Private Rented Housing Committee inspected the property on the morning of 24 May 2016. Following the inspection a hearing took place at Brandon Gate, 1 Leechlee Road, Hamilton. The Tenant was present at both the inspection and hearing. Neither the Landlord nor the letting agent attended the inspection or hearing.
5. Following the hearing the Committee made a Repairing Standard Enforcement Order (RSEO) in respect of the property which required the Landlord (i) To instruct a suitably qualified window contractor to inspect the windows and carry out such repairs as are recommended to prevent the buildup of condensation and ensure that there is no cavity into which condensation and mould can accumulate, (ii) To repair or replace the extractor fan in the bathroom, (iii) To carry out such repairs as are necessary to the back and front doors to ensure that the property is wind and watertight, and (iv) To repair the boundary fence and gate in the garden between the property and number 18 Rice Way or to replace it with a new boundary fence. The Landlord was required to complete the works within 4 weeks.
6. The Surveyor member of the Committee re-inspected the property on 19 August 2016. The Tenant was in attendance at the re-inspection. The Landlord was not present.
7. The Surveyor member issued a re-inspection report which indicated that items 2 and 3 of the RSEO had been completed. Item 1 had largely been completed namely that the windows had been repaired and some re-painted. Silicone had been applied to the space between the glass and timber frame in all but one kitchen window. Item 4 of the RSEO had not been completed and the fence and gate were in the same condition as at the first inspection.
8. The re-inspection report was issued to the parties and written representations received from both. At the end of September 2016 the Tenant stated that the fence had been erected but there was still outstanding work in relation to the windows and furthermore that she was dissatisfied with the work which had been carried out. The Landlord stated that all of the work was complete.
9. A further re-inspection and hearing were assigned for 1 November 2016. On that date the Committee re-inspected the property. Only the tenant was present. A hearing took place thereafter at Brandon

Gate, 1 Leechlee Road, Hamilton. The Tenant attended and gave evidence. The Landlord did not attend and was not represented.

The Re-Inspection

10. At the time of the re-inspection the weather was dry and cold. The Committee inspected the fence in the garden. A new 6ft fence has been erected along the boundary with the neighbouring property and along the bottom of the garden. A gate has also been installed at the bottom of the garden. The Committee inspected the back and front doors at the property. The tenant identified draught excluders which have been fitted to the sides of the doors. No adjustment has been made to the bottom of the doors. There is a small gap between the bottom of the kitchen door and the frame. The Tenant confirmed that since the adjustment she has not noticed any draughts from the door. The front door was adjusted in a similar way. It already had a draught excluder and no gap. The tenant advises that she has attached a draught excluder to the internal door between hall and living room and has not been aware of any draughts from the front door. The Committee inspected the windows. Silicone has been applied to the space between the glass and the frame internally and externally. The kitchen window and the hall window only have the silicone on the outside. The Tenant confirmed however that since the window repairs she has not noticed condensation. No condensation or mould was noted by the Committee. The Tenant pointed out that no silicone has been applied to the gap between window frame and the sill in a couple of the windows. The Committee noted the replacement extractor fan in the bathroom which the tenant confirmed to be effective. The Committee noted that there is no heat or CO detector in the kitchen which is of concern. The smoke detector in the living room has been disconnected by the Tenant because of its proximity to the kitchen causing it to activate whenever she cooks. The Committee noted that this should be re-located or perhaps replaced with a heat detector.

The Hearing

11. At the Hearing the Tenant gave evidence. She indicated that the contractor who attended to the windows had completed the work in one day. He had rubbed down the frames and re-stained them as well as applying the silicone. This had been described as a refurbishment of the windows but she was not happy with the work which she felt could have been more extensive and to a higher standard. She confirmed however that she has noticed very little condensation since the work was completed. The following day the new extractor fan had been fitted and the door repairs carried out. She has been aware that the fan is a big improvement on the one it

replaced. She confirmed what she was said at the inspection about the doors. She is not aware of draughts from either although she thinks that the draught excluder attached to the internal door might be the explanation for this in relation to the front door rather than the repair. She advised the Committee that the old fence had been removed and the new one installed at the end of August. She had been told that the man who was erecting the fence would also apply the silicone to the inside of the 2 windows that had been missed. She left him a key when she went out but when she returned he had not done the work. The Tenant also advised that she has contacted the letting agent about the lack of a CO alarm and the problems with the smoke detector in the living room but she has heard nothing further regarding these matters.

Reason for decision

12. The Committee considered the Re-inspection report dated 19 August, the representations from both parties, the condition of the property at the further re-inspection on 1 November 2016 and the evidence of the Tenant at the hearing.
13. The Tenants evidence at the Hearing was unchallenged by the Landlord. As at the previous hearing she gave her evidence in a clear and concise manner and was found by the Committee to be credible and reliable. At the time of the first re-inspection the Surveyor member noted and the Tenant confirmed that work in relation to parts 2 and 3 of the RSEO had been carried out. The Tenant confirmed that the extractor fan is effective and she is satisfied with same. In relation to the doors she indicated that she is not convinced that the repairs are adequate but conceded that she has not noticed draughts from either since the repair. The Committee therefore concluded that this part of the RSEO has also been complied with. The requirement on the Landlord to repair or replace the fence was not completed within the time stipulated by the RSEO but a new fence and gate are now in place and the Tenant is happy with both. The Committee was also satisfied from the inspection that the new fence complies with the RSEO. The Tenant had indicated in her representations that the window repairs were still outstanding. It was clear from her evidence at the Hearing that she had expected a more extensive repair to be carried out. She accepted however that the silicone had been applied externally and to most windows internally and that condensation has not been an issue since then. Her initial complaint about the windows was condensation which gathered in the gap between the frame and the glass causing mould. It therefore appears that the repair which has been carried out has addressed the problem with the windows which have in addition been re-painted. The view of the Committee is

therefore that the RSEO has been complied with and that it would be appropriate to issue a certificate of completion..

Decision

14. The Committee accordingly determined that the Landlord had complied with the Repairing Standard Enforcement Order and that a certificate of completion to that effect should be issued.

15. The decision of the Committee was unanimous

Right of Appeal

16. 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

17. 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... ..Date 10 November 2016
Josephine Bonnar, Chairperson

16 Rice Way Motherwell ML1 2JL

Photos from inspection
PRHP/RP/16/0113
1st November 2016
Surveyor Ian H Murning TD

1/11/2016

1

Front Elevation



1/11/2016

2

Rear Elevation



1/11/2016

3

New Boundary Fence & Rear Gate 1



1/11/2016

4

Rear Access Path - New Fence & Rear Gate 2



1/11/2016

5

Kitchen Window Frame



1/11/2016

6

Kitchen Window Frame



1/11/2016

7

Porch Window Frame



1/11/2016

8

Rear Kitchen Door Threshold



1/11/2016

9

Bathroom Ceiling Mounted Extractor Fan



1/11/2016

10

Smoke Alarm Base Unit on Living Room Ceiling – Detector Head Unit Removed



1/11/2016

11

Clothes Dryer in Kitchen



1/11/2016

12