

Determination by the Private Rented Housing Committee

Statement of decision of the Private Rented Housing Committee under Section 24(1) of the Housing (Scotland) Act 2006

ref: PRHP/EH51/18/12

Re: Property at 33 Redbrae Avenue, Bo'ness EH51 9NT ("the Property")

The Parties:-

**Michael Bethune, formerly of 33 Redbrae Avenue, Bo'ness
("the former Tenant")**

**Alan Anderson per his Agents, The Key Place, 19 Main Street, Bo'ness
("the Landlord")**

Decision

The Committee, having made such enquiry as it sees fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14(1)(b) of the said Act in relation to the property concerned, and taking account of the whole written and oral evidence determines that the Landlord has complied with the duty imposed by Section 14(1)(b) of the Act and dismisses the Tenant's application.

Background

- 1. By application received 30th January 2012 the Tenant applied to the Private Rented Housing Panel for a determination as to 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 he considered the Landlord had failed to comply with the duty to ensure the property met the repairing standard and in particular claimed the Landlord had failed to ensure compliance with Section 13 (1)(a), (b), (c), (d), (e) and (f) of the said Act.**

3. The Private Rented Housing Committee served a Notice of Referral dated 13th February 2012 under and in terms of Schedule 2, Paragraph 1 of the Act on both the Landlord and the Tenant.
4. Both parties submitted further written information.
5. The Private Rented Housing Committee were notified the tenancy lawfully ended on the 27th February, 2012 and accordingly Mr. Bethune is no longer a party to these proceedings.
6. On 16th March 2012 a Minute of Continuation and a Directions Notice was issued to the Landlord confirming that, because of the nature of the alleged breaches of the repairing standard, the Committee would continue to pursue the application in the public interest.
7. On 3rd April 2012 the Landlord forwarded an electrical safety report to the Committee.
8. The Private Rented Housing Committee inspected the property on the morning of the 8th May 2012. The Committee comprised Mrs. Anne McCamley (Chairman), Mr. Donald Marshall (Surveyor Member) and Mrs. Christine Anderson (Housing Member). The Landlord's Agents attended at the property and the Committee made the inspection by courtesy of the new tenant Mrs. Bell.
9. Following the inspection the Private Rented Housing Committee held a Hearing at the Bowhouse Community Centre in Grangemouth. The Landlord's Agent attended.
10. The Landlord's agents indicated unhappy differences had arisen between the parties and could not be resolved. As a result the tenant had been released early from the obligations of the tenancy. The Chairman indicated that having inspected the property and taken account of the whole oral and written evidence and thereafter being guided by the Committee's professional Surveyor Member the Committee was satisfied that any work required in terms of the application to had been completed. In particular the Committee noted the electrical certificate

which had been produced did address all matters raised in the application.

11. The Committee accordingly determines that the Landlord has complied with the duty imposed by Section 14(1)(b) of the Act.

12. The decision of the Committee is unanimous.

Right of Appeal

13. **A Landlord or Tenant aggrieved by the decision of the Private Rented Housing Committee may apply to the Sheriff by summary application within 21 days of being notified of that decision.**

Signed **A McCamley**
Chairman

Date 11/5/12