

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/FK8/1/12

Re: Property at 33A James Street, Riverside, Stirling ("the Property")

The Parties:-

William Buchan, 33A James Street, Riverside, Stirling ("the Tenant")

**David Dickson, Poolside Astley Lane, Hadnall, Shropshire SY4 4BE
("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 dated 29th December 2011 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) and (d) of the said Act.**

3. The Private Rented Housing Committee served a Notice of Referral dated 10th 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 inspected the property on the morning of the 26th April 2012. The Committee comprised Mrs. Anne McCamley (Chairman), Mr. Ian Mowatt (Surveyor Member) and Mrs. Christine Anderson (Housing Member). The Committee was assisted by their Administrative Clerk Mr. Paul Cowie. The Tenants and Mr. Buchan Snr. father of one of the Tenants were in attendance. The Landlord had been invited to attend but did not do so.
6. Following the inspection of the property the Private Rented Housing Committee held a Hearing at the Stirling Business Park, Wellgreen Place, Stirling. The Tenants and Mr. Buchan Snr. attended. Although the Landlord had been invited to attend he did not do so.
7. The Tenants invited Mr. Buchan Snr. to speak on their behalf. Mr. Buchan indicated that the works required by the application to this Committee had been carried out by the Landlord. There may be other issues between the Tenant and the Landlord however it was acknowledged any other issues were not within the remit of this Committee.
8. 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 concurs that the work required in terms of the application to this Committee have been completed.
9. The Committee accordingly determines that the Landlord has complied with the duty imposed by Section 14(1)(b) of the Act.
10. The decision of the Committee is unanimous.

Right of Appeal

11. 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 *26th April 2012*