



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

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

**Re 160 Wren Road, Greenock PA16 7ND being the subjects registered in the Land Register of Scotland under title number REN93971 ('the Property')**

#### **The Parties:-**

**Mrs Jane Metcalfe residing at 160 Wren Road, Greenock, PA16 7ND ('The Tenant')**

**Calum Watt residing at 128 Henderland Road, Bearsden, Glasgow, G61 1JA ('The Landlord')**

#### **Decision**

**The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) in relation to the Property, determined that the Landlord has NOT failed to comply with the duty imposed by Section 14 (1)(b) of the Act.**

#### **Background**

1. By application dated 30<sup>th</sup> July 2013 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").

The application by the Tenant stated that she considered that the Landlord has failed to comply with his duty to ensure that the Property meets the repairing standard. She advised that the Property was not wind and watertight and in all other respects reasonably fit for human habitation; that the structure and exterior of the Property was not in a reasonable state of repair and proper working order.

In particular the application stated that:-

1. There is dampness in the porch.
  2. The downpipe which runs down the outside of the porch is damaged.
  3. The bottom of the outside door of the porch is being supported by two pieces of wood.
  4. There is a gap under the front door.
  5. The door at the back of the property is in need of immediate repair.
  6. The window handles do not work.
  7. The plughole in the wash hand basin is broken.
  8. There is dampness in the back bedroom.
2. The President of the Private Rented Housing Panel, having considered the application, referred the application under Section 22 (1) of the Act to a Private Rented Housing Committee. The Committee members were Jacqui Taylor (Chairperson), George Campbell (Surveyor Member) and Jim Riach (Housing Member).

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, dated 29<sup>th</sup> October 2013.
4. The Committee attended at the Property on 17<sup>th</sup> December 2013. The Tenant was present. The Landlord was not present and was not represented. The Committee inspected the alleged defects and found as follows:-

4.1 There is dampness in the porch.

The Committee noted that the porch has a concrete roof with asphalt finish. The surveyor member of the Committee tested the walls of the porch with a damp meter and found no evidence of dampness.

4.2 The downpipe which runs down the outside of the porch is damaged.

The downpipe had recently been repaired.

4.3 The bottom of the outside door of the porch is being supported by two pieces of wood and there is a gap under the front door.

The Committee noted that a new external step had been recently installed.

4.4 The door at the back of the property is in need of immediate repair.

The Committee examined the back door of the Property. Whilst the door was a little stiff to open they found that it did open and close properly.

4.5 The window handles do not work.

The Tenant explained that the Landlord had recently repaired the handle of the front bedroom window however the handle of the hall window was defective. The surveyor member of the Committee opened and closed the hall window and found the handle, whilst a little stiff, to be in proper working order.

4.6 The plughole in the wash hand basin is broken.

The Tenant confirmed that the plughole of the wash hand basin had recently been repaired.

4.7 There is dampness in the back bedroom.

The Committee noted that the wallpaper in the far corner of the peeling away from the wall. The surveyor member of the Committee tested this area of the bedroom wall with a damp meter and found no evidence of dampness.

5. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Gamble Halls, 44 Shore Road, Gourrock.

The Tenant and her representative John Malloy of Circles Network, Greenock attended the hearing. The Landlord did not attend and was not represented.

In relation to the matters detailed in the Tenant's application the Tenant advised as follows:

5.1 There is dampness in the porch.

The surveyor member of the Committee explained that he had tested the walls of the porch during the inspection and found no evidence of dampness. The Tenant had nothing further to add in relation to this.

5.2 The downpipe which runs down the outside of the porch is damaged.

The Tenant confirmed that the downpipe had been repaired recently.

5.3 & 5.4 The bottom of the outside door of the porch is being supported by two pieces of wood and there is a gap under the front door.

The Tenant confirmed that these defects had been repaired when the new external step had been installed.

5.5 The door at the back of the property is in need of immediate repair.

The Tenant explained that the Landlord had indicated that the door was to be replaced but she was still waiting for this to happen. She considered that the back door was in a poor condition and difficult to open and close.

5.6 The window handles do not work.

The Tenant confirmed that the bedroom window had been repaired however she considered the hall window still needed to be repaired. She found the hall window difficult to open and close.

5.7 The plughole in the wash hand basin is broken.

The Tenant confirmed that this matter had been repaired.

5.8 There is dampness in the back bedroom.

The Tenant advised that the Landlord had recently repaired some slipped roof slates in the area above the damp patch in the bedroom. However she considered that the bedroom wall was still damp.

## **6. Summary of the issues**

The Committee accepted that the downpipe, the front step, the bedroom window and the plughole of the wash hand basin had been satisfactorily repaired.

Therefore the issues to be determined are:-

6.1 The Property is not wind and watertight and in all other respects reasonably fit for human habitation (Section 13(1)(a) of The Housing (Scotland) Act 2006).

Whether there is dampness in the porch and back bedroom that results in the Property not being wind and water tight and in all other respects reasonably fit for human habitation.

6.2 The structure and exterior of the Property was not in a reasonable state of repair and proper working order (Section 13(1)(b) of The Housing (Scotland) Act 2006).

Whether the condition of the back door and the hall window results in the Property not being in a reasonable state of repair and in proper working order.

## **7. Findings of fact**

The Committee found that the downpipe of the porch, the front step, the front bedroom window and the plughole of the wash hand basin had been satisfactorily repaired, as confirmed by the Tenant.

- 7.1 The Property is not wind and watertight and in all other respects reasonably fit for human habitation (Section 13(1)(a) of The Housing (Scotland) Act 2006).

As stated the surveyor member of the Committee tested the apparent areas of dampness in the porch and back bedroom and found no dampness. Therefore the Committee determined that the Property is wind and watertight.

- 7.2 The structure and exterior of the Property was not in a reasonable state of repair and proper working order (Section 13(1)(b) of The Housing (Scotland) Act 2006).

As stated the Committee did not find the back door or the hall window to be defective. Therefore the Committee determined that these items are in a reasonable state of repair and proper working order.

### **Decision**

8. The Committee accordingly determined that the Landlord had not failed to comply with the duties imposed by Sections 14 (1)(a), 14(1)(b), of the Act.
9. The decision of the Committee was unanimous.

### **Right of Appeal**

10. **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**

11. 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.

**J Taylor**

Signed ..... Date 19<sup>th</sup> December 2013  
Chairperson