



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

62A Tay Street, Perth, PH2 8NN

INSPECTION & HEARING

21 February 2014

STATEMENT OF REASONS

INTRODUCTION

1. This is an application ("the application") dated 14 November 2014 made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Miss Marie Gill ('the tenant') regarding the property known as and forming 62A Tay Street, Perth, PH2 8NN ('the property'). The landlord of the property Miss Janette Alexander ('the landlord') c/o Lettings Direct, 8 Atholl Street, Perth, PH1 5NG.

2. In the application the tenant contends that the landlord has failed to comply with the duty imposed on her 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 Robert Buchan

THE DOCUMENTATION

4. Following careful consideration of the application, the President decided to refer the application to a private rented housing committee and the parties were notified of this decision by a notice of referral dated 11 December 2013. By letter of the 30 December 2013, the tenant advised that she had vacated the property. Having been advised by the landlord that the tenancy had been lawfully terminated, the application is treated as having been withdrawn under Schedule 7(1) of the Act. Under Schedule 7(3) of the Act the committee considered the matter and decided to continue to determine the application on public health interests given the nature of the repairs intimated by the tenant.

THE INSPECTION

4. The Committee inspected the property. Only the landlord was present at the inspection. It was obvious at the inspection that the landlord had carried out repair works in relation to the application.

DESCRIPTION OF THE PROPERTY

5. The property is a ground floor flat in a period dwellinghouse, principally of stone construction beneath a pitched and slated roof. At the rear of a traditional stone and slate mixed use block dating back to about 1880 and listed category "B". The block is close to the river Tay on the fringe of the city centre with easy access to amenities.

THE HEARING

6. The hearing took place at the North Inch Community Campus, Perth on 21 February 2014. Only the landlord and a friend of the landlord attended the hearing. The tenant's complaint is that the landlord had failed to meet the repairing standard as detailed in the application. In summary, the tenant considers there has been a failure by the landlord to meet the repairing standard on the following outstanding matters;-

- (a) Water leaking through the hall ceiling;
- (b) Water damage to the hall walls, ceiling and carpet;
- (c) Heating system inadequate.

7. The Chairman opened the hearing and advised the landlord that she would be able to address the Committee, however, it was clear from the inspection that all of the complaints contained in the application have been remedied by her. The landlord agreed and did not make any further submissions apart from advising that the problem had been a common repair and that, as she had been living abroad at the time, she had relied on others to carry out the repair required but that they had

not done so. The cause of the water penetration had been a blocked gully and that this had now been unblocked and the water damaged area suitably dried out and repaired as required.

8. The Chairman then concluded the hearing.

THE ACT

9. 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.”

10. 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

11. The complaints before the Committee as per the tenant’s application and our determinations in relation to this are as follows;-

(a) Water leaking through the hall ceiling;

At the date of the inspection, the landlord had repaired the leak to the repairing standard and on testing with a damp meter the wall was dry. Accordingly, the Committee dismisses this complaint.

(b) Water damage to the hall walls, ceiling and carpet;

At the date of the inspection, the landlord had repaired the water damage to the hall walls, ceiling and carpet to the repairing standard. Accordingly, the Committee dismisses this complaint.

(c) Heating system inadequate.

At the date of the inspection, the electric heating system was on and functioning satisfactorily to the repairing standard. Accordingly, the Committee dismisses this complaint.

SUMMARY OF DECISION

13. The Committee accordingly determines that the landlord has not failed to comply with the duty imposed by section 14(1)(b) of the Act in respect of all complaints. Accordingly, the Committee dismisses the application.

RIGHT OF APPEAL

14. 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

15. 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.

S Walker

Signed

Steven Walker
Advocate

Chairman
Private Rented Housing Committee

26 February 2014