



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

22 Sandpiper Drive, Greenhills, East Kilbride, G75 8UW being the subjects registered in the Land Register of Scotland under Title Number LAN40662 ('the Property')

The Parties:-

Gregor Baillie formerly residing at 22 Sandpiper Drive, Greenhills, East Kilbride, G75 8UW ('The Tenant')

Andrew Miller residing at 5 Lang Court, Glassford, Strathaven, ML10 6AY ('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) of the Housing (Scotland) Act 2006 ("the Act") 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 18th March 2014 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 Act.
2. The application by the Tenant stated that he considered that the Landlord had failed to comply with his duty to ensure that the Property meets the repairing standard. He advised that the Property is not wind and watertight and in all respects reasonably fit for human habitation; the structure and exterior of the Property was not in a reasonable state of repair and proper working order; the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and proper working order and the property does not have satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

In particular the application stated that the nature of the work which he considered required to be done was:-

- 2.1: Roof tiles loose and some missing.
- 2.2: Interior wall under living room window cracked and letting in water.
- 2.3: Guttering above front door needs replacing.
- 2.4: Gas central heating needs to be repaired and serviced. It has not worked for 2 years. No Gas Safety Certificate has been produced.
- 2.5: No smoke or fire detectors installed
- 2.6 Vents need to be fitted in the bathroom to stop condensation and damp.
- 2.7: Asbestos door in hallway needs to be removed and replaced.

3. 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 Tom Keenan (Housing Member).
4. 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 23rd May 2014.
5. The Committee attended at the Property on 1st September 2014. The Landlord was present at the inspection. The Tenant had previously vacated the property and was not present.

The Committee inspected the alleged defects and found as follows:-

5.1: Roof Tiles loose and some missing.

The Committee looked at the roof from the front of the Property and found no evidence of loose and missing roof tiles. They also inspected the upper floor of the Property and found no evidence of water ingress.

5.2: Interior wall under living room window cracked and letting in water.

The Property was in the process of being redecorated. There was a crack in the plaster under the living room window. The crack has been exposed as part of the ongoing redecoration. There was no evidence of dampness.

5.3: Guttering above front door needs replacing.

The guttering was in a reasonable condition.

5.4: Gas Central Heating needs to be repaired and serviced. It has not worked for 2 years. No Gas Safety Certificate has been produced.

The Landlord provided the Committee with a Gas Safety Certificate dated 28th August 2014.

5.5: No smoke or fire detectors installed.

Two hardwired and interconnected smoke detectors had recently been installed in the Property.

5.6 Vents need to be fitted in the bathroom to stop condensation and damp.

There was no evidence of dampness in the bathroom. The bathroom window was capable of being opened and there was a vent in the wall in the bathroom.

5.7: Asbestos door in hallway needs to be removed and replaced.

The Landlord advised that the Tenant had removed the asbestos door.

6. Following the inspection of the Property the Private Rented Housing Committee had scheduled a hearing at the PRHP Offices at Europa Building, 450 Argyle Street, Glasgow. The parties did not attend.

Decision

7. As the Committee found no evidence that alleged defects breached the Repairing Standard the Committee accordingly determined that the Landlord had not failed to comply with the duties imposed by Sections 13 and 14 of the Act, as stated.

8. The decision of the Committee was unanimous.

Right of Appeal

9. 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

10. 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 **J Taylor**
Jacqueline Taylor
Chairperson

..... Date 2nd September 2014