



PRIVATE RENTED HOUSING COMMITTEE

DETERMINATION UNDER SECTION 24 OF THE HOUSING (SCOTLAND) ACT 2006

THE PROPERTY

7 Christie Gardens, Saltcoats KA21 5NQ, registered in the Land Register for Scotland under title number AYR69248

the Parties

PETER SEMPLE, formerly residing at the Property (the Applicant and former Tenant)

and

WILLIAM KENEFICK and PAULINE MARY KENEFICK residing at 20 Lawside Avenue, Dundee DD3 6HY per Derek Andrews, Cunninghame Properties Ltd, 22 Chapelwell Street, Saltcoats, KA 21 5EA ("the Landlords")

11 December 2014

Committee Members – David M Preston (Chairperson); Robert Buchan (Surveyor Member).

Decision

The Committee, having made such enquiries as are fit for the purposes of determining whether the Landlord had complied with the duty imposed by section 14 (1) (b) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act") in relation to the property, and taking account of the representations by both the Landlord and the former Tenant, determined that the Landlord had complied with the said duty.

Background

1. By application dated 9 July 2014, the Applicant sought a determination of whether the Landlords had failed to comply with the duties imposed on them by section 14 (1) (b) of the Act.
2. The applicant alleged that the Landlords had failed to meet the Repairing Standard in respect that:
 - a. the house was not wind and watertight and in all other respects reasonably fit for human habitation,
 - b. the structure and exterior of the house (including drains, gutters and external pipes) were not 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 were not in a reasonable state of repair and in proper working order,
 - d. the fixtures, fittings and appliances provided by the Landlord under the tenancy were not in a reasonable state of repair and in proper working order,
 - e. the furnishings provided by the Landlord under the tenancy were not capable of being used safely for the purpose for which they were designed.
3. In particular the Applicant complained that:
 - a. The carpets required to be steam cleaned to remove the dog hair left by the previous tenant.
 - b. The guttering required to be fixed as when it rained the water came over the top and through the splits and was running down the outside walls causing damp which resulted in black mould on the main bedroom wall.
 - c. All the windows needed draught proofing as the vents were not covered.
 - d. The cooker needed to be checked as it had to be turned off at the wall.
 - e. The control knob on the gas fire was faulty.
 - f. The window frame required additional work due to rotting wood.
 - g. All rooms had condensation which caused mould around the windows.
 - h. There were wood lice in every room.
 - i. Floorboards in the kitchen were loose.
 - j. The electrical system was faulty.
 - k. Fencing in the back garden had blown down and had not been repaired.
 - l. There appeared to be bees under the house.
 - m. There appeared to be damp in the back bedroom and watermarks on the bathroom ceiling.
4. In August 2014 the Private Rented Housing Panel (PRHP) was advised that the

Tenant had vacated the property and on 28 August 2014 the President issued a Minute of Continuation in terms of para 7 (2) of Schedule 2 to the Act.

5. Thereafter by Notice of Referral dated 10 September 2014 the President referred the matter to the Committee.
6. In response to the Notice of Referral, Cunninghame Properties Ltd submitted written representations by letter dated 23 September 2014 together with supporting documentation including: a number of invoices dated between September 2013 and April 2014 in respect of repairs carried out to the Property; Gas Safe Certificate dated 3rd December 2013; Electrical Installation Condition Report dated 5 November 2013; Energy Performance Certificate dated 11 March 2009; emails and correspondence between Cunningham Properties Ltd and North Ayrshire Council; and an Inspection Report by North Ayrshire Council dated 8 April 2014 with covering letter dated 14 April 2014.
7. The Committee inspected the property on the morning of 11 December 2014 and thereafter held a hearing in the Lauriston hotel, South Crescent Road, Ardrossan. The Landlords and Mr Andrews were present throughout the inspection and attended the hearing.
8. At the inspection the Committee noted that the Property was vacant and was undergoing extensive renovation. The Property was a former local authority house over 60 years old, being the ground floor flat of a block of four. There was a shared drying green / garden area to the rear of the property. Accommodation comprised: living room; 2 bedrooms; kitchen; and bathroom.
9. The Property was unfurnished and contained no carpets. New kitchen units and bathroom fittings were in the course of being installed. The kitchen walls had been re-plastered and the bathroom walls had been lined. The kitchen floor showed no sign of loose floorboards.
10. The Committee found no evidence during the inspection of the mould or condensation complained of. However areas of damp were detected by means of a damp meter in the lower corners of the external walls in the front and back bedrooms. The Committee noted that UPVC double glazing units had been installed throughout.
11. The Committee found no evidence of woodlice or bees. The cooker and gas fire complained of in the application had been removed from the Property. The Committee noted that the fence in the back garden area required to be repaired but it did not consider that such a fault was of sufficient significance to justify a Repairing Standard Enforcement Order.
12. The Committee noted: the Gas Safe Certificate; the Energy Performance Certificate; and the Electrical Installation Condition Report, all of which had been

submitted by Mr Andrews.

13. Having carefully considered the representations made by the Landlord and the documentation provided, the Committee was entirely satisfied that the Property met the Repairing Standard.
14. The Committee accordingly determined that the Landlords had not failed to meet the duties imposed by section 14 (1) (b) of the Act.

David Preston

Chairperson.....
Private Rented Housing Committee

17-12-14
Date