



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: 53 Moorhouse Avenue, Paisley, PA2 9NY being the subjects registered in the Land Register of Scotland under Title Number REN22111('the Property')

The Parties:-

David Brewster formerly residing at 53 Moorhouse Avenue, Paisley, PA2 9NY ('The Tenant')

John Hynd care of Martin & Co, 9 Canal Street, Paisley, PA1 2HD ('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 8th February 2015 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").

2. The application by the Tenant stated that he considered that the Landlord has failed to comply with his duty to ensure that the Property meets the repairing standard. He advised that the Property was not wind and watertight and in all other respects reasonably fit for human habitation; the structure and exterior of the Property (including drains, gutters and external pipes) were not in a reasonable state of repair and in proper working order and that 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.

In particular the application stated that:-

'The kitchen floor collapsed at the end of July 2014. A temporary floor was cobbled together which is still in place. Martin & Co are in dispute with their insurance agent so failed to rehome us. The landlord refused to reduce rent or solve problem.

The kitchen floor collapsed at the end of June and requires replacement.

Kitchen units are unsuitable- no draining facilities, no sealant on units, doors loose, entire kitchen poorly fitted.'

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.

4. The Committee members were Jacqui Taylor (Chairperson) and Mike Links (Surveyor Member) and Brenda Higgins (Housing Member).

5. 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 28th February 2015.

6. The Chairperson and Surveyor members of the Committee attended at the Property on 5th June 2015. The Tenant was not present as he had previously vacated the Property. The Landlord was present. The Committee inspected the alleged defects and found that the kitchen floor had been replaced and new fitted kitchen units had been installed.

7. Following the inspection of the Property the Chairperson and Surveyor members of the Private Rented Housing Committee attended at the PRHP Office, Europa building, 450 Argyle Street, Glasgow, G2 8LH for the scheduled hearing. The parties did not attend.

8. Summary of the issues

The issues to be determined are:-

8.2 That the structure and exterior of the Property (including drains, gutters and external pipes) were not in a reasonable state of repair and in proper working order (Section 13(1)(b) of The Housing (Scotland) Act 2006).

Whether the condition of the kitchen floor is in a reasonable state of repair and in proper working order.

8.2 That the fixtures, fittings and appliances provided by the Landlords under the tenancy were not in a reasonable state of repair and in proper working order order (Section 13(1)(d) of The Housing (Scotland) Act 2006).

Whether the kitchen units are in a reasonable state of repair and in proper working order.

Findings of fact

9.

9.1 That the structure and exterior of the Property (including drains, gutters and external pipes) were not in a reasonable state of repair and in proper working order (Section 13(1)(b) of The Housing (Scotland) Act 2006).

The Committee found that the kitchen floor is in a reasonable state of repair and in proper working order.

9.2 That the fixtures, fittings and appliances provided by the Landlords under the tenancy were not in a reasonable state of repair and in proper working order order (Section 13(1)(d) of The Housing (Scotland) Act 2006).

The Committee found that the kitchen units are in a reasonable state of repair and in proper working order.

Decision

10. The Committee accordingly determined that the Landlord had not failed to comply with the duties imposed by Sections 13 (1)(b) and 13(1)(d) of the Act, as stated.

Right of Appeal

12. 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

13. 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** Date 7th June 2015
Chairperson