



Determination by Private Rented Housing Committee

Statement of Reasons for Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 24(1) of the Housing (Scotland) Act 2006

Case Reference Number: PRHP/RP/15/0064

LAND REGISTER TITLE NO: **DMF6196**

Re:- Property at 3 Johnstone Bank, Ecclefechan, DG11 3JD ("**the property**")

The Parties:-

Mrs Joan Pyster, formerly residing at 3 Johnstone Bank, Ecclefechan, DG11 3JD ("**the former tenant**")

And

Alexander Arthur and Jean Elizabeth Arthur, Somerton House Hotel, Carlisle Road, Lockerbie ("**the landlords**")

The Committee comprised:-

| | |
|------------------|-------------------|
| Mr James Bauld | - Chairperson |
| Mr Michael Links | - Surveyor member |
| Mr Thomas Keenan | - Housing member |

Decision:-

The Committee unanimously decided that the property complied with the Repairing Standard set out in Section 13 of the Housing (Scotland) Act 2006 ("the 2006 Act") and that the landlord had not failed to comply with any of the duties imposed upon the landlords by Section 14 of the Act and accordingly the Committee decided to dismiss the application.

Background:-

1. By application dated 9th February 2015, the tenant applied to the Private Rented Housing Panel ("PRHP") for a determination that the landlord had failed to comply with the duties imposed by Section 14(1)(b) of the 2006 Act.
2. The application made by the tenant stated that the tenant considered that the landlords had failed to comply with the duty to ensure that the house met the repairing standard and in particular had suffered from a number of defects listed in the application including allegations that the property suffered from dampness, there were problems with the wiring and the boiler and there were no smoke or fire alarms.
3. The president of the PRHP decided to refer the application under Section 22(1) of the 2006 Act to a Private Rented Housing Committee ("the Committee").
4. By letters dated 1st April 2015 the Committee served notice of referral under and in terms of the 2006 Act upon the parties. Indication was given that the Committee would inspect the property on 22nd May at 10 am and that a hearing would subsequently be held in Lockerbie Town Hall, High Street, Lockerbie.

The Inspection

5. The Committee attended at the property on 22nd May to carry out the inspection. The landlord was present and was assisted by his solicitor Ms Victoria Raymond from McJerron and Stevenson solicitors, Lockerbie. The landlord indicated to the Committee that the tenant had now vacated the property and he was in the course of carrying out a variety of works including redecoration prior to re-letting the property. The landlord allowed the Committee to inspect the property. During the course of the inspection the tenant was neither present nor represented.
6. The Committee during its inspection could find no evidence of any substantial disrepair within the property. The property appeared to be in a reasonable state of repair. The members of the Committee carefully checked the property in respect of the various allegations made within the application but could find no evidence to support any of the tenant's allegations relating to disrepair. The Committee could find no evidence of any ongoing failure to meet the repairing standard or any failure to meet any of the duties incumbent on the landlord.

The Hearing

7. The hearing was convened at 12.30 pm in Lockerbie Town Hall. The tenant was neither present nor represented. The landlord's agent Ms Raymond had appeared before the Committee in the linked application relating to 2 Johnstone Bank, Ecclefechan, reference PRHP/RP/15/0065. Ms Raymond had indicated that she did not intend to attend at 12.30 and was happy to allow the Committee to make their own determination.

Reasons for Decision

8. The Committee had carefully inspected the property and could find no evidence to support any of the allegations made by or on behalf of the tenant. The tenant was not present during the inspection. At the inspection the property was in a state of repair which more than met the repairing standard.
9. The decision of the Committee was unanimous to dismiss the application.

Rights of Appeal

- 10. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
- 11. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

Effects of Section 63

- 12. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.
- 13. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed... **J Bauld**

James Bauld, Chairperson

Date... *3 June 2015*

Signature of Witness... **N Walker**

Date... *3 Jun 2015*

Name: *NATALIE WALKER*

Address: 7 West George Street, Glasgow, G2 1BA

Designation: *SENIOR COURT ADMINISTRATOR*