



**Statement of decision of the Private Rented Housing Committee under  
Section 24 (1) of the Housing  
(Scotland) Act 2006**

**Reference Number: PRHP/RP/16/0160**

**Re: Property at Flat 3/1, 14 Bluevale Street, Dennistoun, Glasgow, G31 1QJ  
("the Property ")**

**The Parties:-**

**Mr Stephen Wardrope ("the Tenant")**

**Mr. Robin Jamie Lovat, 1008 Pollokshaws Road, Glasgow G41 2HG, Mr. Jeremy Simon, 17 Shadwell Park Grove, Leeds, LS17 8TU, Mr. Yonni Leslie Spiero Abramson, Flat 1, 10 Sunnyfields Road, Hendon, London ("the Landlords")**

**Decision**

**The Committee, having made such enquiries as it saw fit for the purpose of determining whether the Landlords have complied with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the property concerned and, taking account of the evidence submitted by both the Landlords and the Tenant, determined that the Landlords have complied with the duty imposed by Section 14 (1) (b) of the Act.**

**The Committee consisted of:-**

<b>Patricia Anne Pryce</b>	<b>-</b>	<b>Chairperson</b>
<b>Andrew Taylor</b>	<b>-</b>	<b>Surveyor Member</b>

**Background**

- 1. By application comprising of all documents received on 20 April 2016, from the Tenant, the Tenant applied to the Private Rented Housing Panel (PRHP) for a determination as to whether the Landlords had failed to comply with the duties imposed by Section 14 (1) (b) of the Act.**

2. The application by the Tenant stated that the Tenant considered that the Landlords had failed to comply with their duty to ensure that the property meets the repairing standard and the Tenant brought forward the following breaches:-

That there is a massive hole in the ceiling of the spare bedroom causing the room to be cold and unsafe.

That the light in the spare bedroom does not work.

The Tenant considers that the Landlords are in breach of their duties under the Housing (Scotland) Act 2006 in relation to the repairing standard and in particular the Landlords have failed to ensure:-

- (i) The house is wind and watertight and in all other respects reasonably fit for human habitation.

3. By Minute dated 21 April 2016 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 23(1) of the Act to a Private Rented Housing Committee.

4. On 3 May 2016, the Private Rented Housing Committee (“the Committee”) wrote to the Landlords and to their representatives, Edzell Property Management Limited, 1008 Pollokshaws Road, Shawlands, Glasgow to advise that the Committee intended to inspect the property on 14 June 2016 at 10.00 hours. The letter further confirmed that a Hearing had been arranged in relation to the application, which Hearing would be held in Wellington House, 134-136 Wellington Street, Glasgow, G2 2XL commencing at 11.30 hours. Finally, the letter confirmed that any written submissions had to be received by the Committee by 24 May 2016.

5. On 14 June 2016, the Committee attended at the property for the purposes of inspection of the property. The Landlords were not present at the inspection. The Tenant was not present nor represented at the property. The Tenant’s partner, Miss Rachel Coburn, who is a joint Tenant of the property, was present at the property and provided access to the property to the Committee.

At the inspection on the 14 June 2016, the Committee noted the following points:-

- (a) The property comprises a three apartment third floor flat within a traditional red sandstone tenement in a quiet residential street within the Dennistoun area of Glasgow. The property is estimated to be over one hundred years old.
- (b) The accommodation consists all on one level two bedrooms, a living room, a kitchen and a bathroom.
- (c) On entering the second bedroom, there was an area on the ceiling at the left hand side which had clearly recently been re-plastered. Miss

Coburn confirmed that the previous hole in the ceiling had been fixed over two days on 9 and 10, both June 2016.

- (d) The Committee tested the overhead light in the second bedroom and confirmed that it was now in good working order.

The surveyor member of the Committee took several photographs which form the Schedule attached to this decision.

### **The Hearing**

6. The Landlords did not attend the hearing nor were they represented at the hearing. The applicant Tenant did not attend the hearing but his joint Tenant, Miss Coburn, attended the hearing and confirmed that she was there to represent the Tenant's interests as he had just started a new job and could not take time off to attend the hearing.

Miss Coburn confirmed that she resided in the property with her partner, the Tenant, and that they were joint Tenants. She advised that they had resided there since August 2015. She confirmed that they pay rent of £575 per calendar month.

Miss Coburn confirmed that the damage to the ceiling had occurred in December 2015 and that the Tenant had advised the Landlords' letting agents, Edzell Property Management Limited, of the damage to the ceiling as soon as it had occurred. She advised that a neighbour had been having satellite television installed and that one of the engineers had apparently put his foot through the ceiling of the spare bedroom of the property.

Miss Coburn confirmed that the hole in the spare bedroom remained open and unrepaired from December 2015 until it was finally fixed on 9 and 10 June 2016, namely, less than a week before the present hearing, rendering the room cold and draughty. She confirmed that the Tenant had reported this problem repeatedly to Edzell Property Management Limited from December 2015 but that the repairs remained outstanding until the week before the present hearing.

Miss Coburn confirmed that she had received a telephone call from the lawyer from Edzell Property Management Limited approximately two weeks before the hearing advising her that Edzell Property Management Limited would like the property repaired before the present hearing took place.

Miss Coburn confirmed that as a result of the repairs carried out less than a week ago, the spare bedroom was no longer draughty and cold.

Miss Coburn confirmed that the light in the spare bedroom was now in good working order.

The Committee had no difficulty believing the evidence provided by Miss Coburn. Miss Coburn gave her evidence in a straightforward manner without embellishment.

Given all of the circumstances, the Committee was satisfied that the house is wind and watertight and in all other respects reasonably fit for human habitation.

### **Decision**

7. The Committee accordingly determines that the Landlords have complied with the duty imposed by Section 14 (1) (b) of the Act.
8. The decision of the Committee was unanimous.

### **Observations**

The Committee notes that the Tenant required to make the present application before the Landlords would carry out the necessary repairs to the ceiling of the second bedroom. The Committee notes that the Tenant demonstrated remarkable patience with the Landlords, having to wait some six months before the repairs to the hole were carried out. Given the level of forbearance the Tenant has shown, the Committee would urge the Landlords to carry out re-decoration of the spare bedroom as soon as possible.

### **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.

# Patricia Pryce

Date 14 June 2016

Patricia Anne Pryce



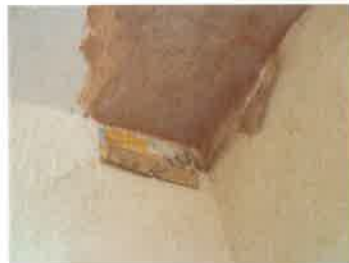
Flat 3/1, 14 Bluevale Street, Dennistoun, Glasgow, G31 1QJ  
PRHP/RP/16/0160  
Schedule of Photographs - Inspection Date 14/06/2016  
Weather – Dry and slightly overcast



1. The property



2. Plaster repair to bedroom ceiling



3. Plaster repair to bedroom ceiling



4. Repaired bedroom pendant light fitting