



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

**prhp Ref: PRHP/RP/16/0191**

**Re : Property at** 16 Airthrey Road, Causewayhead, Stirling, FK9 5JR (**"the Property"**)

### **The Parties:-**

Mr Adrien Astier and Mr Jean Peignon, 16 Airthrey Road, Causewayhead, Stirling (**"the Tenants"**)

Mr Mohammed Asif c/o B-Spoke Mortgages and Property Management, 74 Port Street, Stirling, FK8 2LP and Ms Hanna Asif, 26 Abercorn Street, Dundee, DD4 7FA (**"the Landlord"**)

### **Decision**

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlords has complied with the duty imposed by Section 14 (1)(b) in relation to the house concerned, determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

### **Background**

1. By application dated 11 May 2016 the Tenants 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 Housing (Scotland) Act 2006 (**"the Act"**).
2. The application by the Tenants stated that the Tenants considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:-
  - (a) the house is wind and water tight and in all other respects reasonably fit for human habitation.
  - (b) the structures and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order.
3. By letter dated 03 June 2016 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
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 Tenants.

5. Following service of the Notice of Referral the Tenants made no further written representation to the Committee other than their original application dated 11 May 2016. The Landlord by letter dated 22 June 2016 made written representations to the Committee.
6. The Private Rented Housing Committee inspected the property on the morning of 13 July 2016. The Committee comprised Graham Harding, Legal Chair Person and Sara Hesp, Surveyor Member. The Landlords represented representative Catherine Robertson and the Tenant Adrien Astier were present during the inspection.
7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Stirling. None of the parties attended.

### **Summary of the issues**

8. The issues to be determined are:-
  - i) The Tenants in their application complained that the roof of the property was leaking leading to water ingress in the rear bedroom that resulted in mould forming;
  - ii) That there was insufficient insulation in the loft;
  - iii) That the property was the subject of rodent infestation;
  - iv) The Landlords for their part produced a schedule of work done on the property during the tenancy and copies of invoices in respect of repairs carried out and suggested that the property was fit for habitation.

### **Findings of fact**

9. The Committee finds the following facts to be established:-
  - (a) The Property consists of a two bedroom dwelling on two floors with living area, kitchen and bathroom and a further room on the ground floor.
  - (b) There was no sign of mould in the bedrooms, kitchen, living area or other areas.
  - (c) The surveyor member used a calibrated electronic damp meter to take readings but there was no evidence of the presence of moisture in either bedroom. The loft area was floored throughout. There appeared to be a layer of mineral wool insulation beneath the boards but its depth and full extent could not be established in full as the loft space was difficult to access. The Committee carried out a head and shoulders inspection of this area of the property.
  - (d) There were no obvious signs of rodent infestation.
  - (e) The Property has mains linked smoke, heat detectors and carbon monoxide detectors.

### **Reasons for the decision**

10. The Committees decision was based on the application with supporting documents, the Landlord's response and supporting documentation and the inspection.

11. The Committee were unable to note any evidence of the matters complained of by the Tenants in their application. It was however noted by the Committee that the Landlord's agent accepted that repairs to the roof had been necessary and that the length of time taken to effect these repairs was too long. It was apparent that repairs had been carried out recently and from the documentation provided that there had also been rodent treatment carried out. The Committee would recommend that the landlord consider the provision of further loft insulation but it was satisfied that there was no breach of the Repairing Standard in this regard.

**Decision**

12. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
13. The decision of the Committee was unanimous.

**Right of Appeal**

14. 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.
15. The Tenants have vacated the property and terminated the Lease and are therefore no longer parties to the application.

**Effect of section 63**

16. 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.

Graham Harding

Signed ...  
Graham Harding, Chairperson

..... Date 22 July 2016 .....



Schedule of photographs taken during the inspection of 16 Airthrey Road,  
Causewayhead, Stirling FK9 5JR on 13 July 2016

**Exterior**



Elevation to Airthrey Road



Rear elevation and entrance



Schedule of photographs taken during the inspection of 16 Airthrey Road,  
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**Interior**



**Loft space**



Damp meter reading – rear bedroom  
(right hand wall)



Damp meter reading – front bedroom  
(right hand wall)