

DETERMINATION BY THE PRIVATE RENTED
HOUSING COMMITTEE

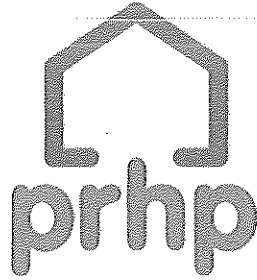
HOUSING (SCOTLAND) ACT 2006 SECTION 24 (1)

PROPERTY AT 19/9 MARCHMONT CRESCENT
EDINBURGH

APPLICATION BY P.PAWLACZYK AND S.SARKADI
(TENANTS)

H.WARWICK (LANDLORD) C/O MURRAY & CURRIE
(LETTING AGENTS 60 QUEEN ST EDINBURGH)

REFERENCE: prhp/rp/15/0052



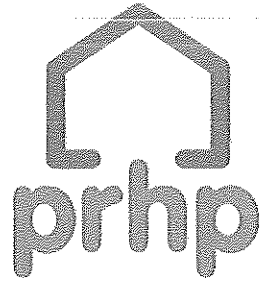
DECISION:

The Committee, having made such enquiry as it sees fit for the purposes of determining whether the landlord has complied with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006 in relation to the flatted property at 19/9 Marchmont Crescent Edinburgh, and having taken account of the whole oral and written evidence, inspecting the property and applying the balance of probabilities and its own expertise hereby determines that the landlord has complied with the duty imposed by the aforesaid section of the Act and dismisses the tenants application.

BACKGROUND:

1. By application dated 3/2/15 the tenants applied to the Private Rented Housing Panel for a determination as to whether the landlord had failed to comply with the duties imposed by section 14 (1)(b) of the Housing (Scotland) Act 2006.

2. The application by the tenants stated they considered the landlord had failed to meet the repairing standard and brought forward the following alleged breaches:-

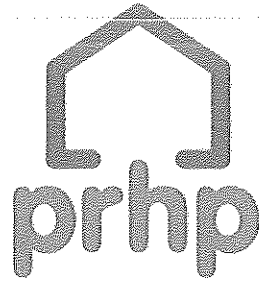


nor were the different properties of night storage heating systems explained to him. The bedrooms are heated by electric Creda panel radiators. The tenant stated these panels did generate heat but it was insufficient to keep him warm.

6.The windows in the kitchen and bedroom were said by the tenant to be draughty and to leak. On inspection the Committee found the windows to be modern uPVC which fitted their frames. The area round the window was tested with a damp meter but no dampness was recorded.

7.The shower is a standard MIRA shower. We noted the arm linking the shower head to the aluminium pole had broken in the middle however the shower head was in place and was capable of moving up and down the pole. There did not appear to be a loss of function.

8.Following the inspection of the property the Committee held a hearing at George House, George Street, Edinburgh. The landlord's agent Mr. Scott Muir, attended. Mr. Muir advised an electrician had been sent to report on the state of the heating system and to put right any faults. We were shown a summary of the findings. In short, the electrician had checked the fuse box, found a fault and repaired or replaced whatever

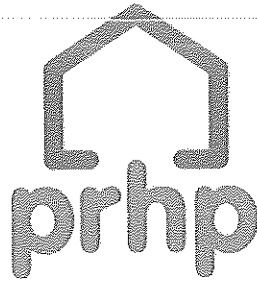


was required, thereafter he tested the radiators and found them all to function properly.

9.Mr. Muir stated the maintenance teams had been unable to contact the tenant to gain access to the flat for the purpose of assessing and carrying out any other repairs. He advises a number of messages have been left but the tenant has not returned calls.

10.Having inspected the property, taken account of the oral and written evidence and using its own expertise the Committee finds the following to be established :

a.The storage heaters and the Creda panel heaters are in a reasonable state of repair and in proper working order. An electrician has made a recent check and confirms they are functioning properly. The committee has concluded the tenant should have been given some instruction regarding the control of night storage heaters and, if he had had that instruction, or even been given an instruction leaflet, he could have ensured the property was more comfortable over the winter months. Storage heating is not to be confused with central heating. Storage heaters are designed to provide a background ambient heat which can be topped up when necessary. As regards the Creda panel heaters, these are of a size and power generally considered appropriate for the



size of the rooms in which they are installed. Accordingly we are satisfied the installations in the house for the supply of space heating are in a reasonable state of repair and in proper working order.

b. On inspection the windows appeared to be draughtproof and there was no evidence of dampness. The shower is functioning and although there seems to be a split in the plastic arm the shower remains in a reasonable state of repair and in proper working order. Accordingly we are satisfied there is no breach of the repairing standard as regards these matters.

11. The landlord's agent assured the Committee that a tradesman has been instructed to rehang a bathroom radiator, and to reseal the bedroom and kitchen window, should it prove necessary to do so. The Committee has no reason to doubt Mr. Muir's assurance and relies on its truthfulness. Although we have determined that on balance the landlord has complied with the duties imposed by section 14 of the Act the aforesaid matters should be attended to promptly. The Committee also notes there have been some difficulties with access and requests the tenant to facilitate such access to allow this minor work to be undertaken should it be necessary.

A. McCamley

Chairman 29th April 2015

