

**PRIVATE RENTED HOUSING PANEL FOR SCOTLAND**

**Decision of the Private Rented Housing Committee, and reasons, in respect of  
an application under section 22(1) of the Housing (Scotland) Act 2006  
by**

**Ms M Ortiz and S Berry, formerly of 25/1 Balfour Street, Edinburgh EH6 5DG**

**APPLICANTS**

in respect of the subjects at  
25/1 Balfour Street, Edinburgh EH6 5DG,  
the owner of which is

**Mr S J Kiman, 53B Inverleith Row, Edinburgh EH3 5PX**

**RESPONDENT**

1. This is an application by the applicants, being at one time tenants of the subjects, under section 22(1) of the Housing (Scotland) 2006 Act ("the Act") for determination as to whether the landlord has failed to comply with a duty imposed by section 14(1)(b) of the Act. That section sets out the landlord's duty to repair and maintain property tenanted for residential purposes. The applicants were tenants of the subjects at the time that the application was made but had terminated the tenancy by the time that the Private Rented Housing Committee ("the committee") came to decide the application. That fact does not disable the committee from determining the application.
2. The application sets out a number of claims that the respondent has failed in his duties under section 14(1)(b) of the Act. It is not necessary to rehearse those alleged breaches here. They are clearly set out in the application. The respondent, by letter to the Panel, claimed that these

alleged defects had been remedied or were in the process of being remedied.

3. The committee inspected the subjects on 29 May 2008. Present at the inspection were the members of the committee, its clerk, Mr Shea, Ms Geraldine Wooley, (a member of the Panel who attended for training purposes and who took no part in the decision making), the applicants and the respondent. Thereafter a hearing took place elsewhere.
4. At the hearing, it became clear that with one exception which we shall come to, all parties accepted that the alleged defects identified in the application has been satisfactorily remedied. The committee for its part also agreed that with the one exception, all matters had been satisfactorily remedied. Therefore no further steps require to be taken as regards those matters.
5. The exception was the installation of a smoke and fire alarm. The respondent has caused a battery powered alarm to be installed. That, he accepted, does not comply with the current statutory provisions which require new installations of such alarms to be mains powered. He told the committee that a new alarm would be installed shortly which would comply with the current statutory provisions and undertook to do so within two weeks.
6. Rather than make a repairing standard enforcement order in respect of the alarm, the committee proposed to adjourn for two weeks to allow that work to be carried out. It was agreed by all the parties that that work would be inspected by the surveyor member of the committee who would report back to the other members following that inspection. It was also agreed that if the committee was then of the view that the work had been carried out satisfactorily, there would be no need for any further action by

the committee. It was also agreed by the parties that in that event, there would be no need to fix a fresh hearing and that the committee would be entitled to proceed to make its decision. The committee expresses its appreciation to the parties for the sensible and pragmatic attitude that they have taken to the resolution of this application and the procedure to be adopted.

7. A fresh inspection was carried out by the surveyor member following the completion of the work on the alarm. He reported to the other members of the committee that the work had been satisfactorily completed in his opinion. The committee accepts his opinion.
8. The committee therefore determines as follows. Given that the matters raised in the application have all been satisfactorily remedied, the application is dismissed and no further order is made.

Derek O'Carroll, Advocate  
Chairman of the PHRC

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16 June 2008. —