



## **Determination by Private Rented Housing Committee**

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

**Re : Property Flat G/R, 13 Barassie Street, Troon, KA10 6LU ('the Property')**

**The Parties:-**

**Trevor Fechin Conroy ('the Tenant')**

**Stuart Alexander Rowan and Gillian Rowan, care of Rentolease, 52, Templehill, Troon, Ka10 6BE ('the Landlords')**

#### **Decision**

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

#### **Background**

1. By application dated 27<sup>th</sup> November 2010 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlords 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 Tenant stated that he considered that the Landlords had failed to comply with their duty to ensure that the house meets the repairing standard and in particular that the Landlords had failed to ensure that Property is wind and watertight and in all respects reasonably fit for human habitation and that the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order. In particular he advised that the Property is full of rising damp and the Environmental Health Department had inspected the Property and they had advised that the Property did not meet the tolerable standard as defined in the Housing (Scotland) Act 2006.
3. The President of the Private Rented Housing Panel after considering the application determined 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 Landlords and the Tenants.
5. The Private Rented Housing Committee inspected the Property on the morning of 15<sup>th</sup> February 2011. The Tenant did not attend the inspection but the Landlords' agents from Rentolease were present. At the inspection the Committee noted that damp treatment works and necessary decorative repairs had been carried out to the front and back rooms. There was no evidence of dampness in these rooms however the damp meter

reading from the wall of the front room was slightly raised.

6. The Tenant confirmed by telephone to the clerk of the Private Rented Housing Panel that he did not wish to attend the hearing. The Landlords' agents advised the Committee that they intended to arrange for the Environmental health department to reinspect the Property and they did not intend to attend the scheduled hearing.

#### **Summary of the issues**

7. The issues to be determined are whether the defect claimed by the Tenant was present at the time of the inspection resulting in the Landlords failing to meet the Repairing Standard. The defect claimed was that the property was full of rising damp.

#### **Findings of fact and reasons for the decision.**

8. The Committee finds that the rising damp had been repaired. The Landlords' agents arranged for the Environmental Health department to reinspect the Property on 28<sup>th</sup> February 2011. The Environmental Health Department confirmed in their letter dated 1<sup>st</sup> March 2011 that the property now meets the tolerable standard.

#### **Decision**

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

#### **Right of Appeal**

11. 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**

12. 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.

Signed **J Taylor**  
Chairperson

Date: 8<sup>th</sup> March 2011