



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 26
OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

Property at 14a Kirk Brae, Fraserburgh AB43 9BY (hereinafter referred to as
"the House")

Andzelika Lazarek, formerly of 14a Kirk Brae, Fraserburgh AB43 9BY
(hereinafter referred to as "the Tenant")

Swithrow 17 Limited, Kinbog Steading, Kinbog, Fraserburgh AB43 8UB
(hereinafter referred to as "the Landlord")

PRHP REFERENCE PRHP/AB43/27/13

DECISION

The Committee decided that the Landlord has failed to comply with the RSEO.

Committee Members

John McHugh, Chairperson
John Wolstencroft, Housing Member
David Godfrey, Surveyor Member

Reasons for the Decision

The requirements of the RSEO are:

- 1 To render the House reasonably free from penetrating dampness;
- 2 To provide ventilation to the House by installing reasonably adequate mechanical ventilation in the kitchen and the bathroom and by installing trickle vents in all windows in the House.

The Committee sought to gain access to the House for the purpose of inspection by writing to the Landlord advising that the House should be made available for inspection on 9 July 2014.

The Surveyor Member of the Committee attended at the House on 9 July 2014. The Landlord was not present and although the House appeared occupied, the occupiers were not at home to provide access to allow the interior of the House to be inspected.

From the exterior of the House, it could be observed that mechanical ventilation had been installed in the kitchen window and trickle vents had been installed in the other windows. It was impossible to establish that there had been compliance with the RSEO in relation to the provision of ventilation in the bathroom.

There were no signs of any work having been carried out to deal with the problem of penetrating dampness. Damp staining remained evident on exterior walls and rhones and downpipes were choked. The flat roof over the kitchen did not appear to have been re-covered.

The report of the inspection was sent to the Landlord for comment. There has been no response from the Landlord.

There being no evidence of compliance with material elements of the RSEO, the Committee determined that there had been a failure to comply with the RSEO.

Decision

The Committee, considering the terms of section 26 of the Act, decided that the Landlord has failed to comply with the Repairing Standard Enforcement Order.

The decision of the Committee was unanimous.

Right of Appeal

Section 64 of the Act provides a right of appeal to a landlord or tenant aggrieved by a decision of a private rented housing committee. An appeal may be made to the Sheriff within 21 days of the Landlord or Tenant being informed of the decision.

Where such an appeal is made, the effect of the decision and 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.

J McHugh

John McHugh
Chairperson

Date: 10 September 2014