



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 17 Main Street, Gorebridge, Midlothian EH23 4BX (hereinafter referred to as "the House")

Laura Walker, formerly of 17 Main Street, Gorebridge, Midlothian EH23 4BX (hereinafter referred to as "the Tenant")

Krishnabavan Mathijaparanam, 4 Big Briggs Way, Newtongrange, Midlothian EH22 4DG (hereinafter referred to as "the Landlord")

PRHP REFERENCE PRHP/ EH23/28/13

DECISION

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

Committee Members

John McHugh, Chairperson
John Blackwood, Housing Member
Richard Burnett, Surveyor Member

Reasons for the Decision

The requirements of the RSEO were:

- 1 *To obtain a certificate from a qualified electrician that the electrical installations in the House are in safe working order and to produce a copy of same to the Committee.*

- 2 *To obtain a Landlord's Gas Safety Certificate from a Gas Safe registered engineer confirming that the central heating system in the living room is in safe working order and to produce a copy of same to the Committee.*
- 3 *To ensure that all exterior stonework is properly pointed such as to reasonably prevent the ingress of water.*
- 4 *To effect repairs to prevent the ingress of water to the conservatory.*
- 5 *To carry out works to ensure that the property is reasonably free of dampness and to obtain a report from a suitably qualified builder or contractor confirming the absence of dampness.*
- 6 *To clear all gutters of debris.*

The Committee order that the works specified in this Order must be carried out and completed within three months from the date of service of this Notice.

The RSEO was issued on 12 December 2013.

On 20 March 2014, the Landlord informed the Committee that all works had been completed with the exception of the gas works which were yet to be completed. He advised that he had booked an appointment with an approved damp proofing contractor to certify the damp proofing works.

In order to allow the Landlord ample time to finalise the works, an inspection was scheduled for 24 April 2014. The Landlord applied on 23 April 2014 to be allowed a further extension of time to complete the works. He gave as a reason that builders were still working in the House. The Committee refused the application on the grounds that it considered that the Landlord had had ample time to complete the works required by the RSEO.

A re-inspection was carried out by the Surveyor Member on 24 April 2014. The Landlord did not attend and, accordingly, internal access could not be obtained. The external inspection revealed that pointing works had been completed. There was no one present at the House and no evidence of any building works being in the course of being carried out.

A further re-inspection and hearing were scheduled to take place on 28 July 2014. This was postponed, at the Landlord's request, until 22 August 2014.

On 20 August 2014, the Landlord's agents sent further information regarding the Landlord's compliance with the RSEO. In particular, the Landlord's agent advised in their email that damp proofing works had been completed and that they would send "a copy invoice for the internal damp works shortly". On the same day, the Committee elected to cancel the scheduled re-inspection and indicated to the Landlord's agent that the Landlord should provide evidence of the damp proofing works by within 14 days. It was communicated that if nothing was received, then the Committee may require to make a further formal order. Nothing has been received since.

The Landlord has produced to the Committee electrical and gas safety certificates and, on the basis of all of the available evidence, the Committee have been satisfied that the Landlord has completed all of the works required by paragraphs 1, 3, 4 and 6 of the RSEO. The Landlord has not provided any evidence of any damp proofing works having been completed or any certification that the property is free from dampness.

There being no evidence of compliance with paragraph 5 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.

John McHugh
Chairperson

Date: 6 November 2014