



## NOTICE OF DECISION

**Issued by the Private Rented Housing Committee  
in terms of Schedule 2 Paragraphs 6 (1) (g) of the Housing (Scotland) Act 2006 ("the Act") and  
Regulation 14 of the Private Rented Housing Panel (Applications and  
Determinations)(Scotland) Regulations 2007 in relation to an application made to the Private  
Rented Housing Panel relating to the after-mentioned property.**

In connection with:

Property at 51 Elizabeth Avenue, Stenhousemuir, Larbert, FK5 4BJ ("the property")

MISS MARNIE PARKES, 51 Elizabeth Avenue, Stenhousemuir, Larbert, FK5 4BJ ("the tenant")

MR ANGUS McEWAN, c/o 1 Estate Agents, 244 Stonelaw Road, Burnside, Glasgow, G73 3SA ("the landlord")

Reference number: PRHP/RP/13/0171

1. The Private Rented Housing Committee ("the committee") refers to the terms of the Repairing Standard Enforcement Order ("RSEO") of, 11<sup>th</sup> August 2015.
2. The RSEO ordered the landlord to produce a detailed, specialist report which revealed:
  - (i) *to undertake detailed, specialist investigation to reveal the extent of the issue of condensation within the property; the cause of the condensation; and recommendations on which works are required to remedy the problem of condensation;*
  - (ii) *to produce a report to the PRHP with the findings of these investigations within 28 days of the date of receipt of this order;*
  - (iii) *to carry out such works as may be necessary to eradicate excessive levels of condensation and dampness to ensure that the property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.*
  - (iv) *the committee requires this work to be completed within 6 weeks of the date of receipt of this order;*
3. The landlord was ordered to submit this report to the PRHP within 28 days of the date of receipt of that direction.
4. The landlord failed to satisfy the RSEO.
5. In response to requests for another inspection from the landlord, a re-inspection and second hearing of the case were assigned for 13<sup>th</sup> May 2016. The committee comprised of, committee chair, Ms Sweeney and surveyor member, Mr Bruce. In attendance at the re-inspection was the committee chair and surveyor member and the landlord's letting agent, Mr Drennan.
6. Following the inspection, a second hearing took place at Wallace House, Stirling. The landlord was absent. Mr Drennan was in attendance.

7. At the hearing Mr Drennan referred to works which had been carried out at the property by the landlord. Mr Drennan referred to the report from Wise Property Care dated 8<sup>th</sup> December 2015. The committee advised Mr Drennan that the content of that report did not satisfy the terms of the RSEO.

8. The findings of the re-inspection of 13<sup>th</sup> May 2016 are contained in the surveyor's report of 20<sup>th</sup> June 2016.

9. The report states,

*"Following the further re-inspection on 13<sup>th</sup> May 2016, works in relation to the RSEO were noted as follows:*

- A proprietary mechanical ventilation device had been installed in the ceiling of the hallway, in terms of a Quotation/Report provided by Wise Property Care.*
- Redecoration works were ongoing to the main bedroom, 3 ceilings appeared to have been skim coated with plaster including kitchen, bedroom and livingroom.*
- It was noted that extract fans to kitchen and bathroom were deficient and still did not discharge to the exterior of the property but into the roof void."*

10. The re-inspection report of 20<sup>th</sup> June 2016 was shared with the landlord.

11. The committee refers to a letter dated 29<sup>th</sup> June 2016 from the landlord, received under cover of email of 8<sup>th</sup> July 2016 to the PRHP. The letter is in response to the report of the committee's surveyor.

12. Within his letter the landlord requests that the committee:

- revoke the terms of the RSEO*
- Issue a certificate of completion*
- Report to the Procurator Fiscal that I have complied with the terms of the RSEO*
- Give me permission to allow my tenant to return.*

13. To date, the order to produce a detailed, specialist report revealing the cause of condensation at the property and specifying the matters referred to above, has never been produced.

14. The landlord has not intimated to the PRHP or to the committee that there is any reasonable excuse for his failure to satisfy the terms of the order in terms of section 28 (2) of the Act.

15. The committee determines that the works required by the RSEO remain outstanding.

16. For this reason the committee refuses the requests of the landlord in his letter of 29<sup>th</sup> June 2016.

17. The decision of the committee was unanimous.

S. SWEENEY

At Glasgow on 21<sup>st</sup> August 2016

.....Chair