



**NOTICE OF A DECISION TO REVOKE
A REPAIRING STANDARD ENFORCEMENT ORDER**

Ordered by the Private Rented Housing Committee

Re: Property at Flat 0/1, 84 Clifford Street, Glasgow G51 1QH (“the Property”)

Title Number: GLA70563

The Parties:-

PATRICK McMANUS and EMMA KANE, residing together at Flat 0/1, 84 Clifford Street, Glasgow G51 1QH (“the former Tenants”)

IRAM NOSHEEN ASHRAF, residing at 6 Matilda Road, Glasgow G41 5DY (“the Landlord”)

Committee members:-

Richard Mill (Chairman) and David Godfrey (Surveyor Member)

NOTICE TO IRAM NOSHEEN ASHRAF (“the Landlord”)

The Private Rented Housing Committee having determined that the work required by the previously issued Repairing Standard Enforcement Order relative to the property is no longer necessary, the works specified with the said Order having been completed, the said Repairing Standard Enforcement Order IS HEREBY REVOKED with effect from the date of service of this Notice.

A Landlord or Tenant aggrieved by this Decision of the Private Rented Housing Committee may Appeal to the Sheriff by Summary Application within 21 days of being notified of that Decision.

Where such an Appeal is made, the effect of the Revocation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the revocation will

be treated as having effect from the date on which the appeal is abandoned or so determined.

M. MURRAY

R. MILL

witness

chairman

Margaret Johnstone Murray
21 Stafford Street
Edinburgh
EH3 7BJ

Dated: 4 May 2016

Legal Secretary

Ref PRHP/RP/15/0242



Private Rented Housing Committee

**Statement of the Decision relative to the Notice of the Decision to Revoke
a Repairing Standard Enforcement Order**

Ordered by the Private Rented Housing Committee

Re: Flat 0/1, 84 Clifford Street, Glasgow G51 1QH (“the Property”)

Title Number: GLA70563

The Parties:-

**PATRICK McMANUS and EMMA KANE, residing together at Flat 0/1,
84 Clifford Street, Glasgow G51 1QH (“the Tenants”)**

**IRAM NOSHEEN ASHRAF, residing at 6 Matilda Road, Glasgow G41 5DY (“the
Landlord”)**

Committee members:-

Richard Mill (Chairman) and David Godfrey (Surveyor Member)

Decision

The committee unanimously, having made such enquiries for the purposes of determining whether the Repairing Standard Enforcement Order relative to the

Property should be revoked in terms of Section 25 of the Housing (Scotland) Act 2006 REVOKES the Repairing Standard Enforcement Order.

Background

1. Following an inspection and hearing on 10 November 2015, the committee determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 and contemporaneously the committee issued a Repairing Standard Enforcement Order in the following terms, requiring the Landlord:-

- “1. A qualified gas engineer requires to be instructed to investigate all gas appliances within the Property and produce a Gas Safety Certificate. The gas fire in the living room, should it not be compliant, should be replaced or removed.
2. A qualified electrician requires to be instructed to provide an Electrical Installation Condition Report (EICR) on the condition of the electrics within the Property and any work required should be undertaken to ensure that there are no C1 or C2 recommendations.
3. A qualified plumber requires to be instructed to investigate the functionality of the hot and cold taps above the bath and these are to be repaired or replaced to ensure that they can both be turned on and off, and provide adequate water flow.
4. Smoke detectors are to be installed in the Property in accordance with the Scottish Government Statutory Guidance currently in force.
5. The old fridge freezer removed from the Property which was replaced and which is situated outside at the rear of the Property in the garden area should be removed.

The Private Rented Housing Committee requires that the works specified in this Order must be carried out and completed within 28 days from the date of service of this Notice.”

2. The surveyor member of the committee carried out a re-inspection of the property on 29 December 2015. Following the terms of the said re-inspection report being provided to parties and consideration of parties for their submissions, the committee determined that the Landlord had failed to comply with the Repairing Standard Enforcement Order. Their determination in this respect was dated 28 January 2016. A relevant Notice to the Local Authority was subsequently issued and a Rent Relief Order reducing the rent payable under the tenancy for the house by an amount of 90% of the rent was also issued.

3. Following further representations made by the Landlord to the effect that the outstanding works in implementation of the Repairing Standard Enforcement Order had been completed, the committee assigned a further inspection and a hearing to take place on Tuesday 5 April 2016.

Inspection

4. The Tenants and the Landlord's agent were present at the re-inspection on 5 April 2016. The committee noted from the Tenants that they were happy that all issues within the Repairing Standard Enforcement Order had been completed although continued to raise concerns regarding the former Electrical Installation Condition Report (EICR) which had been produced on behalf of the Landlord. Discussions at the inspection led to the Landlord's representative advising that they were to instruct a fresh EICR without delay and to have a carbon monoxide detector installed which they had previously undertaken to install. In all of the circumstances, it was decided to discharge the formal Hearing which had been assigned to take place after the inspection on the basis of the consensus reached between the parties. Such a formal Hearing was not necessary.

Documentation submitted on behalf of the Landlord

5. On 26 April 2016 the Landlord's representative produced an EICR dated 22 April 2016. Additionally, a P.A.T. Test Certificate was produced in respect of the Property. No issues or concerns in relation to the electrical components in the Property were identified in terms of the enquiries which had been undertaken.

Decision

6. The committee, being satisfied in the circumstances that the Repairing Standard Enforcement Order was no longer necessary, determined that it would be revoked in terms of Section 25(1)(b) of the Housing (Scotland) Act 2006. The Rent Relief Order is also revoked herewith. It was noted that the undertaking previously given in respect of the installation of a carbon monoxide alarm had not been complied with. This however was not part of the Repairing Standard Enforcement Order. The Landlord and his agent should carefully note the new requirements regarding the installation of carbon monoxide alarms and ensure that an operative alarm in accordance with the guidelines is installed prior to 1 December 2016.

Right of Appeal

7. 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 of the Act

8. Where such an appeal is made, the effect of the decision and of any order made, 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 date on which the appeal is abandoned or so determined.

M. MURRAY

R. MILL

witness

chairman

Margaret Johnstone Murray
21 Stafford Street
Edinburgh EH3 7BJ

Date: 4 May 2016

Legal Secretary