



**Rent Relief Order**  
**Ordered by the Private Rented Housing Committee**

**Ref: PRHP/G41/105/12**

**Re: Property at Flat 0/2, 56 Glenapp Street, Glasgow, G41 2LG being the subjects registered in the Land Register of Scotland under Title Number GLA 146258 ("the Property")**

**The Parties:-**

**Miss Olga Kravcuka, residing at Flat 0/2, 56 Glenapp Street, Glasgow, G41 2LG ("the Tenant")**

**Mrs Sheila Razzaq, residing at 235 Tantallon Road, Glasgow, G41 0GW ("the original Landlord")**

**Umar Razzaq residing at 235 Tantallon Road, Glasgow, G41 0GW ("the current landlord")**

**NOTICE TO Mrs Sheila Razzaq and Umar Razzaq**

Whereas in terms of their decision dated 24<sup>th</sup> October 2013, the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the original and current Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the house made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of £250 per calendar month, of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the said Act.

**A landlord or a 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.**

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. Where the appeal is abandoned or finally determined by confirming the decision, the Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

**J Bauld**  
Signed  
James Bauld, Chairperson

*24 Oct. 2013*

**J Wilson**  
..... Witness  
*JONATHAN WILSON*  
7 West George Street, Glasgow, G2 1BA



## Determination by Private Rented Housing Committee

Statement of decision of the Private Rented Housing Committee (hereinafter referred to as the Committee) under Section 26 (1) of the Housing (Scotland) Act 2006

Ref: PRHP/G41/105/12

Re property at: Flat 0/2, 56 Glenapp Street, Glasgow, G41 2LG, being the subjects registered in the Land Register of Scotland under Title Number GLA 146258 ("the Property")

### The Parties:-

Miss Olga Kravcuka residing at Flat 0/2, 56 Glenapp Street, Glasgow, G41 2LG ("the Tenant")

And

Mrs Shelia Razzaq, residing at 235 Tantallon Road, Glasgow, G41 0GW, ("the original Landlord")

Umar Razzaq residing at 235 Tantallon Road, Glasgow, G41 0GW ("the current landlord")

### The Committee comprised:-

Mr James Bauld	Chairperson
Carol Jones	Surveyor Member
Christopher Harvey	Housing Member

### Background

1. On 14<sup>th</sup> January 2103 the Committee issued a Determination which decided that the original Landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 ("the 2006 Act"). On the same date the Committee issued a Repairing Standard Enforcement Order (RSEO) in respect of the property.
2. The RSEO made by the Committee required the original Landlord to carry out such works as were necessary to:- :-
  - (a) Provide an up to date report from a qualified central heating engineer on the state of repair and working order of the central heating boiler and to carry out any repairs identified in that

report to ensure that the boiler is in a safe condition and in proper working order and in a reasonable state of repair.

(b) To carry out such works as are necessary to repair the washing machine in the kitchen of the property so that it is in a reasonable state of repair and in proper working order or to provide a report from a qualified engineer certifying that the said washing machine is in proper working order and is in a reasonable state of repair.

(c) To repair the external outlet pipe and associated drainage pipe from the kitchen sink to include carrying out all necessary checks to ascertain whether said pipe is blocked at any point.

(d) To repair or replace the kitchen units and to provide kick plates and to secure the base unit to the right of the cooker to the wall and to replace the floor boards which are missing underneath the sink so as to prevent draughts and to make the property wind tight.

(e) To repair or replace the window to the room occupied by the tenant to include removing the broken pane of glass and replacing same and to repairing the external frame.

(f) To repair or to remove and replace the bathtub within the bathroom.

(g) To obtain an up to date report from a qualified plumber on the state of repair of the toilet bowl within the property to include checking same for blockages and to carry out any appropriate repairs as identified in that report to ensure that the toilet bowl is in a safe condition and in proper working order and in a reasonable state of repair.

(h) To carry out all necessary repairs to the cracked and stained bathroom ceiling to include making good the damaged décor within on the ceiling.

(i) To replace all missing floor boards throughout the property.

3. The Committee ordered that the works specified in the RSEO should be completed within eight weeks of the date of order. The RSEO was effectively served on the original landlord.
4. On 12<sup>th</sup> June 2013 a further inspection of the property was conducted for the purpose of ascertaining whether the repairs required by the RSEO had been completed. This inspection was carried out by Ms Carol Jones, the surveyor member of the Committee.
5. During the re-inspection of the property the Tenant was present but the Landlord was neither present nor represented.
6. A re-inspection report was prepared and dated 14<sup>th</sup> June 2013. A copy of that report was sent to both the Tenant and the Landlord. The report concluded that the majority of the works required by the RSEO had not been completed. The Tenant and the Landlord were invited to comment upon the re-inspection report.
7. The Tenant responded by letter dated 8<sup>th</sup> July 2013. She confirmed that she agreed with the findings of the surveyors report and confirmed that she believed that a Rent Relief Order should be issued. The original Landlord replied by email dated 15<sup>th</sup> July 2013 indicating that she was no longer the owner of the house. A copy of the Title Section of the Land Certificate relating to the property was obtained which showed that on the 27<sup>th</sup> February 2013 the Title was transferred from Mrs Sheila Razzaq to Umar Razzaq. Umar Razzaq resides also at 235 Tantallon Road, Shawlands, Glasgow. The Title Search also showed that the Charge granted by Mrs Sheila Razzaq remained in place over the property. Copies of the responses from the Landlord and the Tenant were examined by all members of the Committee.

8. The Committee then considered whether a Rent Relief Order should be made in terms of Section 27 of the Act. The Committee determined that in all the circumstances of this case such an Order should be made given the original Landlord's failure to comply fully with the terms of the RSEO and given the Landlord's failure to provide any reasonable excuse for this. The Committee did not accept that the works required could not be undertaken. The Committee also noted that the original Landlord had provided no evidence that any works were being considered. The committee noted that they had received no correspondence from the current landlord.
9. The Committee then considered the amount by which any rent payable under the tenancy in question should be reduced. In doing so the Committee considered the impact of the outstanding repairs upon the Tenant's enjoyment of the property. In all the circumstances the Committee determined that an appropriate reduction in rent would be 50% of the contractual monthly rent, namely a reduction in rent of £250 from the rent specified in the Tenancy Agreement. The Committee considered that the Rent Relief Order should be effective from 28 days after the last date on which a decision to make the Rent Relief Order may be appealed under Section 64 of the 2006 Act.

#### **Decision**

10. The Committee having made such enquiries as it saw fit for the purposes of the determining whether the Landlord had complied with the RSEO in relation to the property concerned and taking full account of all the evidence obtained at the inspection and of the representations made by the parties determined that the Landlord had failed to comply with the RSEO in terms of Section 26 (1) of the Housing (Scotland) Act 2006 and that notice of failure be served upon the local authority in which the property is situated.
11. The Committee also determined that notification of this decision should be made on both Mrs Sheila Razzaq, the original Landlord and Umar Razzaq, the new Landlord, in terms of the Title Sheet.
12. The Committee proceeded to make a Rent Relief Order in terms of Section 27 of the Act, which order shall take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under Section 64 of the Act.
13. The decision of the Committee was unanimous.

#### **Right of Appeal**

14. 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.
15. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP or the Committee which made the decision.

#### **Effect of section 63**

16. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.
17. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

**J Bauld**

Signed .....

James Bauld, Chairperson

Date .....

24 October 2013

**J Wilson**

.....Witness

JONATHAN WILSON  
7 West George Street, Glasgow, G2 1BA