



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

PRHP/RP/13/0085

Re : Property at 6 Hill Street, Cowdenbeath, KY4 9AY ("the Property")

Land Register Title Number: FFE30161

The Parties:-

Miss Claire Devlin, 6 Hill Street, Cowdenbeath, KY4 9AY ("the Tenant")

Mr Keith Burdett, 41 Tulloch Court, Cowdenbeath, KY4 9ST ("the Landlord")

Background

1. On 28 August 2014, the Private Rented Housing Committee issued a decision requiring the Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 26 August 2014.
2. On 27 November 2014 the surveyor member of the Committee re-inspected the property. The Tenant was present. The Landlord did not attend and was not represented.
3. The surveyor member noted that none of the works specified in the Repairing Standard Enforcement Order had been carried out.
4. The Tenant advised that on receipt of the Repairing Standard Enforcement Order the Landlord had issued the Tenant with notice to quit on 18 November 2014. The Landlord then issued a correct notice to quit, requiring the Tenant to remove from the property on 15 January 2015.
5. On 12 October 2014 a contractor was sent by the Landlord to assess the repairs needed in terms of the Repairing Standard Enforcement Order. However nothing has been done so far. The surveyor member noted that the faulty toilet no longer flushes at all.
6. The Landlord sent written representations purporting to be an appeal but it was not a valid appeal.

7. The Landlord was given until 19 January 2015 to provide evidence that the work has been carried out. Nothing has been received.

Decision and Reasons

8. The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order in relation to the property concerned; Determined that the Landlord had failed to comply with the terms of the Repairing Standard Enforcement Order in terms of Section 26(1) of the Housing (Scotland) Act 2006 and that a notice of failure should be served upon the Local Authority in which the property is situated. The Committee also Determined to issue a Rent Relief Order reducing the rent payable under the tenancy by 90% due to the number of issues required by the Repairing Standard Enforcement Order and the fact that no work at all had been carried out by the Landlord since the issue of the order.
9. The committee proceeded to make a Rent Relief Order in terms of 27 of the Act to take affect 28 days after the last date on which the decision to make a Rent Relief Order may be appealed under Section 64 of the Act. The decision of the Committee was unanimous.

Right of Appeal

10. **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

11. 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, 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.

Signed:

Date: 20 January 2015

J V Lea, Chairperson



Rent Relief Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/13/0085

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NOTICE TO Mr Keith Burdett, 41 Tulloch Court, Cowdenbeath, KY4 9ST ("the Landlord")

Whereas in terms of their decision dated 20 January 2015, 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 Landlord has failed to comply with the Repairing Standard Enforcement Order made by the Committee in relation to the house.

The Committee determined to make an Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the property by an amount of 90% 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.

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Judith Lea
Chairperson
Private Rent Housing Committee

Date: 20 January 2015