



## Rent Relief Order

### by the Private Rented Housing Committee

Re 46 Townend Street, Dalry, KA24 4AD being the subjects registered in the Land Register of Scotland under title number AYR3661 ('the Property')

The Parties:-

Eric Moran residing at 46 Townend Street, Dalry, KA24 4AD ('The Tenant')

Land AK Limited of 1313 Argyle Street, Glasgow, G3 8TL ('The Landlords')

#### NOTICE TO

Land AK Limited of 1313 Argyle Street, Glasgow, G3 8TL ('The Landlords')

Whereas in terms of their decision dated 6<sup>th</sup> 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 in relation to the Property 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 75% 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.

In witness whereof these presents are executed by Jacqueline Carol Taylor, Solicitor, chairperson of the Private Rented Housing Committee on 13th February 2015 before this witness:-

*Paula Hunter*  
65 High Street

\_\_\_\_\_ witness

*Jacqueline Taylor* \_\_\_\_\_ chairperson

Irvine

KA12 0AL



## DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

### Statement of Decision of the Private Rented Housing Committee under section 26(1) of the Housing (Scotland) Act 2006

Re 46 Townend Street, Dalry, KA24 4AD being the subjects registered in the Land Register of Scotland under title number AYR3661 ('the Property')

The Parties:-

Eric Moran residing at 46 Townend Street, Dalry, KA24 4AD ('The Tenant')

Land AK Limited of 1313 Argyle Street, Glasgow, G3 8TL ('The Landlords')

#### Background

1. The Private Rented Housing Committee ('the Committee') issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property which required the Landlords to:-
  - (1) Repair, replace or remove the chimney stack to render the roof wind and watertight and
  - (2) Eradicate the dampness in the lounge and kitchen and carry out necessary redecoration.
2. The Committee ordered that the works specified in the RSEO were to be carried out and completed by 31<sup>st</sup> March 2014, this was later extended to 30<sup>th</sup> September 2014.
3. On 25<sup>th</sup> November 2014 the surveyor member of the Committee carried out an inspection of the Property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. He found that the chimney stack had been removed and the existing plaster had been removed from both sides of the wall between the kitchen and the bedroom (previously used as a lounge). At the inspection, the previous plaster finish on both sides of the wall had been replaced with plasterboard and painted. However both sides of the wall between the kitchen and the bedroom (previously used as the lounge) showed evidence of dampness on the new plaster board. Evidence of dampness was also noted in the kitchen on the right hand side of the door leading to the hall.

#### Decision and Reasons

4. The Committee considered whether a Rent Relief Order should be made in terms of section 27 of the Act and determined that such an Order should be made given the Landlords failure to comply with the RSEO without reasonable excuse. They then considered the amount by which the rent payable under the tenancy in question should be reduced. They considered the failure by the Landlords to carry out the repairs materially affected the Tenant's enjoyment of the property. They were also concerned that over three months had passed since the time limit for having the works completed. In all the circumstances they determined that an appropriate reduction in rent would be to reduce the rent payable under the tenancy by 75%. They considered that the Rent Relief Order should be effective from 28 days after the last date in which the decision the Rent Relief Order may be appealed under Section 64 of the Act.
5. The Committee having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order, in relation to the Property concerned, determined that the Landlords had failed to comply

with the RSEO in terms of section 26(1) of the Housing (Scotland) Act 2006 and that a notice of the failure be served on the Local Authority in which the property is situated.

6. They proceeded to make a Rent Relief Order in terms of section 27 of the Act, which order shall take effect 28 days after the date on which the decision to make the Rent Relief Order may be appealed under section 64 of the Act.

#### **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**

8. 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.

**Jacqueline Taylor**

Signed ...  
Chairperson



Date: 13<sup>th</sup> February 2015