



## **Rent Relief Order**

**Ordered by the Private Rented Housing Committee**

**prhp Ref: PRHP/RP/14/0012**

**Re : Property at 53 Grey Craigs, Cairneyhill, Fife KY12 8XN ("the Property")**

**Land Register Title No: FFE28771**

**The Parties:-**

**Mr Satwant Sidhu, 97 Glenbervie Road, Kirkcaldy, Fife KY2 6XT ("the Landlord")**

**Ms Carole Perrit, 53 Grey Craigs, Cairneyhill. Fife KY12 8XN ("the Tenant")**

**NOTICE TO Mr Satwant Sidhu, 97 Glenbervie Road, Kirkcaldy, Fife KY2 6XT  
("the Landlord")**

Whereas in terms of their decision dated 7 November 2014, 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 30% 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: 7 November 2014

# **Determination by the Private Rented Housing Committee**

## **Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006**

prhp Ref: PRHP/RP/14/0012

Re : Property at 53 Grey Craigs, Cairneyhill, Fife KY12 8XN ("the Property")

Land Register Title No: FFE28771

### **The Parties:-**

Mr Satwant Sidhu, 97 Glenberrie Road, Kirkcaldy, Fife KY2 6XT ("the Landlord")

Ms Carole Perrit, 53 Grey Craigs, Cairneyhill. Fife KY12 8XN ("the Tenant")

### **Decision**

The Committee, having noted that the Landlord has failed to replace a double socket, under cabinet lighting and spotlight in the kitchen, has failed to remove items not belonging to the Tenant situated in the back garden and lane, has failed to repair/replace the living room radiator, failed to investigate and rectify the source of water ingress under the floor in the hall area and failed to repair the bathroom window in terms of the Repairing Standard Enforcement Order issued by the Committee on 16 May 2014; Find that the Landlord has failed to comply with the said Repairing Standard Enforcement Order within the period of 2 months from the date of service of the notice being, 22 May 2013; Resolve to serve notice of the failure on the Local Authority and order that the a Rent Relief Order be made.

### **Background**

1. On 16 May 2014, the Private Rented Housing Committee having determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") issued an Order requiring the Landlord to:
  1. Repair / replace the double socket, under-cabinet lighting and spot light in the kitchen to ensure that they are in proper working order.
  2. Remove items not belonging to the Tenant situated in the back garden and lane to ensure that the property is reasonably fit for human habitation.
  3. Produce current gas safe certificate for gas installations in the property.
  4. Produce a copy of current electrician's report on the installations and supply of electricity within the property.
  5. Repair / replace living room radiator to ensure it is in proper working order.
  6. Investigate and rectify the source of water ingress under the floor in the hall area.
  7. Repair bathroom window to ensure it is in a reasonable state of repair and in proper working order.
2. The property was re-inspected by the surveyor member of the Committee on 11 August 2014. The Tenant was present. It was noted that the Landlord had produced a gas safety certificate for the gas installations in the property and had produced a copy of a current electrician's report on the installations and supply of electricity within the property and accordingly had complied with items 3 and 4 of the Repairing

Standard Enforcement Order. The Surveyor member however noted that all other aspects of the Repairing Standard Enforcement Order were still outstanding.

3. The reinspection report was served on the Landlord and the Tenant. The Tenant responded indicating that none of the work had been done and asking for a rent relief order of 90%. The Tenant submitted that the lack of repairs was having a significant effect on her physical and mental health.
4. The Landlord called to say that she was trying to get the work done on the insurance. There were however no further representations from the Landlord.
5. The Committee, having made such enquiries as it thought fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order, find in terms of Section 26(1) of the Act that the Landlord has failed to comply with items 1, 2, 5, 6 & 7 of the Repairing Standard Enforcement Order without reasonable excuse and resolve to serve notice of failure on the Local Authority and decide that a Rent Relief Order is appropriate.
6. The Committee decided that a Rent Relief Order should reduce any rent payable under the tenancy by 30%. This figure is reflective of the fact that some aspects of the Repairing Standard Enforcement Order have been complied with by the Landlord and to reflect the scale of the repairs required.

#### **Decision**

7. The Committee resolved to serve notice of the Landlord's failure to comply with the Repairing Standard Enforcement Order on the Local Authority.
8. The Committee resolved to make a Rent Relief Order in terms of Section 27 of the Act to take effect 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.
9. The decision of the Committee is 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.

**Judith Lea**

Signed .....  
Chairperson

, Date... 7 November 2014