



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

Reference number:- PRHP/RP/14/0156

Re: Property at the Upper Flatted Dwellinghouse situated at 760 Mosspark Drive, Glasgow G52 3AU being the subjects registered in the Land Register of Scotland under Title Number GLA9032.

The Parties:-

Ms Ruth Howie, residing at 760 Mosspark Drive, Glasgow G52 3AU ("the Tenant")

and

Wearwell Properties Limited, being a Company registered under the Companies Acts (Registered No. SC254022) and having their Registered Office at 50 Battlefield Road, Battlefield, Glasgow G42 9QF ("the Landlords")

NOTICE TO ("the Landlord")

Whereas in terms of their decision dated 26 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 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 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 type written on this page only are executed by Andrew Stuart Cowan Solicitor, 7 West George Street, Glasgow G2 1BA, Chairperson of the Private Rented Housing Committee at Glasgow on 26 January 2015 before this witness:-

Signed
Andrew Cowan, Chairperson

.....Witness
Laura McManus, Secretary, 7 West George Street, Glasgow, G2 1BA



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

Reference number:- PRHP/RP/14/0156

Re: Property at the Upper Flatted Dwellinghouse situated at 760 Mossbank Drive, Glasgow G52 3AU being the subjects registered in the Land Register of Scotland under Title Number GLA9032 ("the Property").

The Parties:-

Ms Ruth Howie, residing at 760 Mossbank Drive, Glasgow G52 3AU ("the Tenant")

and

Wearwell Properties Limited, being a Company registered under the Companies Acts (Registered No. SC254022) and having their Registered Office at 50 Battlefield Road, Battlefield, Glasgow G42 9QF ("the Landlords")

Decision

The Private Rented Housing Committee ("the Committee") has now determined that the Landlord has failed to comply with the duty imposed by Section 26(1) of the Housing (Scotland) Act 2006 ("the Act") in relation to the requirements of the Repairing Standard Enforcement Order ("RSEO") dated 30 October 2014, and further determined that notice of that failure should be served on the Local Authority in which the property is situated. The Committee further determined 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.

Background

1. On 30 October 2014, the Committee issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Act. On the same date the Committee issued a RSEO in respect of the property.

2. The RSEO made by the Committee required the Landlord:-
 - (a) to carry out such works as are necessary to ensure that all installations in the property for the supply of electricity are in a reasonable state of repair and in property working order; and
 - (b) after the necessary works have been carried out to the electrical installations in the property, the Landlords are required to produce to the Committee an electrical installation condition report for domestic premises which should be prepared by a registered and qualified electrical engineer or electrician and which should confirm that the electrical systems within the property are in a reasonable state of repair and in proper working order.
3. The Committee ordered that the works specified in the RSEO were to be carried out and completed no later than 4 weeks from the date of service of the RSEO.
4. On the 16 December 2014, the Surveyor Member of the Committee reinspected the property. At that time the Surveyor Member noted that the Landlord had not carried out any of the works as required by the RSEO.
5. A copy of the Report prepared by the Committee Surveyor Member following the re-inspection on 16 December 2014, was circulated to the parties. The Landlord has made no comment and made no further submissions following service upon them of the copy of the Surveyor Member's re-inspection report.

The Tenant's representatives have confirmed that they wish the Committee to consider making a Rent Relief Order in respect of the property. They highlight that the Tenant's housing benefit is currently being paid to the Landlord. They further highlight that the Tenant is in danger of an electrical fire and is unable to heat the property. In the circumstances, they consider that a 90% reduction in the rent would be appropriate in this case.

is in danger of an electrical fire and is unable to heat the property. In the circumstances, they consider that a 90% reduction in the rent would be appropriate in this case.

6. The Committee has now accordingly determined that the Landlord has failed to comply with the duty imposed by Section 26(1) of the Act in relation to the requirements of the RSEO and further determined that notice of that failure should be served on the Local Authority in which the property is situated.
7. The Committee further consider that a Rent Relief Order should be made in terms of Section 27 of the Act and determines that such an order should be made given the Landlord's failure to comply with all of the RSEO.
8. The Committee considered the amount by which the rent payable under the tenancy in question should be reduced. They considered the impact of the outstanding repairs not only on the Tenant's enjoyment of the property, but in relation to the associated risks of the Landlord's failure to ensure the electrical installations and wirings within the property were in a safe condition. The Tenant has in the past received shocks from some of the electric sockets within the property. The Tenant has also given evidence to the Committee that in the past at one point there was smoke coming from the fuse box. The Landlords in their letter of 7 October 2014 accept that the "property needs fully rewired". There are significant and serious failures on the part of the Landlord in relation to these matters. Despite considerable time and opportunities being given to the Landlord to carry out necessary works, the Landlord has failed to complete the works and in particular has failed to issue any form of certification from a qualified electrician to confirm that the electrics within the property are in a safe condition. The property continues to fail to meet the repairing standard. Given the Landlord's failure to comply with the RSEO and given the associated risk issues, the Committee determined that an appropriate reduction in rent would be to reduce the rent payable under the tenancy by 75%.

9. The Committee proceeded to make a Rent Relief Order in terms of Section 27 of the Act, which order shall take effect from 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.

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
Andrew Cowan, Chairperson

..... Date..... 26/1/15

.....Witness

Laura McManus, Secretary, 7 West George Street, Glasgow, G2 1BA