



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

75A Main Street, Avonbridge, Falkirk, FK1 2NG

RE-INSPECTION & HEARING

26th November, 2010

STATEMENT OF REASONS

INTRODUCTION

1. By decision dated 29th June, 2010 this Committee determined that the landlord has failed to comply with the duty imposed on her by section 14(1)(b) of the Housing (Scotland) Act 2006 ('the Act') as the property fails to meet the repairing standard as set out in section 13(1) of the Act and imposed a Repairing Standard Enforcement Order ('RSEO') dated 26th August, 2010 on the property.
2. The RSEO at paragraph 2 & 3 provides;-
 2. *The Committee now requires the landlord carry out such work as is required to ensure the property meets the repairing standard and that any damage caused as a consequence of carrying out of any works in terms of this Order are also made good before the expiry of the Completion Date.*

THE ORDER

3. *In particular, and without prejudice to the foregoing generality, the Committee **HEREBY ORDERS** the landlord to carry out the following repairs ('the Works');-*
 - (a) *The chimney in the living room requires sweeping and repair as appropriate to ensure it is in a reasonable state of repair and in proper working order.*
 - (b) *In relation to the rear bedroom, the damp on the external wall of the rear bedroom requires repair to ensure that the house is wind and water tight and in all other respects reasonably fit for human habitation.*
 - (c) *The external rhones require repair to ensure that they are in a reasonable state of repair and in proper working order.*
 - (d) *Two mains wired and interlinked smoke alarms require to be installed in the ground and first floor halls in order that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.*
 - (e) *The installations in the house for the supply of electricity, in particular the light switches, shower switch, sockets and fuse box, require repair to ensure they are in a reasonable state of repair and in proper working order.*

*The Committee **HEREBY FURTHER ORDERS** that the Works specified in this Order must be carried out and completed before the expiry of the Completion Date of **FOUR WEEKS** from the date of service of this Order.*

THE RE-INSPECTION

4. The Committee re-inspected the property on 26th November, 2010. Only the tenant was present at the inspection. The landlord did not attend the re-inspection. The Committee observed that the landlord had failed to comply with and is in default of Order 3(a)(b)(c)(d)(e), with the exception of Order 3(e) insofar as it relates to the shower switch which has been repaired.

THE HEARING

5. The hearing took place on 26th November, 2010. Only the tenant attended. The landlord failed to attend the Hearing notwithstanding prior intimation about this date. The tenant advised the Committee that the landlord repaired the shower switch and had swept the chimney. Although, the chimney smoked excessively and could not be used.

DECISION & REASONS

6. The Committee having heard the tenant and having re-inspected the property considered whether a Rent Relief Order ('RRO') should be made in terms of section 27 of the Act and determined that an RRO should be made given the landlord's failure to comply in full with the RSEO without reasonable excuse.
7. The Committee then considered the amount by which the rent should be reduced taking into account (1) the impact on the tenant of the failure to carry out the repairs, and (2) the failure by the landlord to carry out the repairs in direct contravention of an Order made by this Committee.

8. The Committee having made such enquiries as it deems appropriate at the re-inspection and Hearing, accordingly determines that the landlord has failed to comply with the RSEO in terms of section 26(1) of the Act and that notice of this failure shall be served on the relevant local authority and the Police instructed to inform the Procurator Fiscal of this offence for prosecution.
9. Accordingly, in the circumstances the Committee determines that an RRO should be made in terms of section 27 of the Act and determines that an appropriate deduction is 90%.

EFFECTIVE DATE

10. The RRO is effective 28 days after the last date in which the RRO can be appealed under section 64 of the Act.

RIGHT OF APPEAL

11. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

12. 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.

S Walker

Signed).

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

19th December, 2010



RENT RELIEF ORDER

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: FK1/41/10

PROPERTY

75A Main Street, Avonbridge, Falkirk, FK1 2NG TITLE NUMBER STG56186

PARTIES

MS. UNA BLACKWOOD, residing at 75A Main Street, Avonbridge, Falkirk, FK1 2NG

Tenant

and

VESNA HORSBURGH, residing 27 Irene Terrace, Standburn, Falkirk.

Landlord

RENT RELIEF ORDER ('RRO') AGAINST VESNA HORSBURGH, residing 27 Irene Terrace, Standburn, Falkirk, landlord of the subjects known as and forming 75A Main Street, Avonbridge, Falkirk, FK1 2NG TITLE NUMBER STG56186.

1. **WHEREAS** in terms of their decision dated 19th December, 2010, 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.

2. 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 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.

RIGHT OF APPEAL

3. 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.

EFFECT OF APPEAL

4. 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 typewritten consisting of this and the preceding page are subscribed by me, Steven Peter Walker, Advocate & Barrister, Chairman of the Private Rented Housing Committee, at London on the 19th day of December two thousand and ten before this witness, Andrew Farrugia, solicitor, 2-5 Warwick Court, London, WC1R 5DJ.

S Walker

Chairman

A Farrugia

ANDREW FARRUGIA

Witness