



Determination by the Private Rented Housing Committee

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

PRHP Ref: prhp/EH15/54/10

**Re:
35 Southfield Farm Grove
Duddingston
Edinburgh
EH15 1SR**

("the Property")

The Parties:

**Kathryn Mitchell and Annie Ferguson
35 Southfield Farm Grove
Duddingston
Edinburgh
EH15 1SR**

("the Tenants")

and

**Elizabeth Raymonde Manshouri and Mehdi Manshouri
9 Duddingston Crescent
Edinburgh
EH15 3AS**

("the Landlords")

Decision

The Committee, having made such further enquiry as it saw fit for the purposes of determining whether the Landlords had complied with the duty imposed by Section 14(1)(b) in relation to the Property, and taking account of the evidence led by both the Landlords and the Tenants, determined that the Landlords have failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").

Background

1. On 10 March 2010 the Tenants applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Act.
2. In their application the Tenants stated that the Landlords had failed to comply with the duty to ensure that the house met the repairing standard (as defined in the Act). The Tenants submitted that:
 - (a) the shower in the bathroom had not been fitted to the wall and was not in proper working order;
 - (b) the bath taps were loose and not in proper working order;
 - (c) the wash hand basin in the bathroom blocked continuously and was not in proper working order;
 - (d) the steps at the rear of the Property were crumbled and broken;
 - (e) the kitchen sink sealant was not in a reasonable state of repair and required replacement;
 - (f) the ceiling lights in the upper hallway "flickered" and were not in proper working order and the light switch required to be replaced;
 - (g) the ignition switch on the hob was faulty;
 - (h) the front and back gutters were broken and not in a reasonable state of repair;
 - (i) the wooden boarding at the front of the Property was crumbling;
 - (j) the front door leaked.
3. On 13 April 2010 the PRHP served a Notice of Referral on the Landlords and the Tenants. Following the service of the Notice of Referral the Tenants submitted further representations.
4. The Committee inspected the Property on the morning of 4 August 2010. Miss Mitchell and Mr Manshouri were present during the inspection. Following the inspection, a Hearing was held in Leith Community Education Centre. Miss Mitchell and both Landlords attended the Hearing. Neither party was represented. Whilst Miss Ferguson did not attend the Hearing, she listened to the proceedings by phone and addressed the Committee on

a number of matters. The Committee took full account of the evidence at the Hearing.

5. Following the inspection and the Hearing, the Committee concluded that the Repairing Standard had not been met and proceeded to issue a Repairing Standard Enforcement Order dated 27 August 2010 ("the RSEO"). In so doing the Committee required the Landlords to:-
 - (a) carry out such works as are necessary to ensure that the hot tap in the bath was in proper working order;
 - (b) repair or replace the shower and the shower casing to ensure that the shower was in proper working order;
 - (d) replace and affix the two missing steps leading from the kitchen door to the garden area (at the rear of the property);
 - (e) carry out such works as are necessary to ensure that the light switch in the upper hall was in proper working order;
 - (f) carry out such works as are necessary to ensure that the ceiling lights in the upper hall were in a reasonable state of repair and working properly;
 - (g) carry out such works as are necessary to ensure that the kitchen sink sealant was complete and in proper working order;
 - (h) provide the Committee with a Landlord's Gas Safety Record from a suitably qualified engineer to confirm that the hob (including the ignition switch) had been inspected and was in a reasonable state of repair and in proper working order;
 - (i) clear and, if necessary, repair the gutters to the rear and front of the property to ensure that they were in proper working order;
 - (j) carry out such works as are necessary to prevent water ingress around the patio door area and the area around the letterbox at the side of the front door.
6. The Committee ordered that the works specified in the RSEO be carried out and completed within a period of two months.

The Re-inspection

7. On 22 November the Committee re-inspected the Property. A Hearing was held after the re-inspection – the Tenants and the Landlords attended the Hearing.

The Decision

8. Having re-inspected the Property and taken full account of the oral evidence at the Hearing, the Committee accepted that the following issues detailed in the RSEO had been resolved:-
 - (a) the shower and the shower casing had been repaired and were in proper working order;
 - (b) the two missing steps leading from the kitchen door to the garden area (at the rear of the property) had been replaced/repaired;
 - (c) the kitchen sink sealant was in proper working order;
 - (d) repairs had been effected to the gutters to the rear and front of the Property and they were in proper working order;
 - (e) works had been executed to prevent water ingress around the patio door area.
9. The Committee found that the following issues remained outstanding and that the RSEO had not been fully complied with:-
 - (a) the hot tap in the bath is loose, is not in a reasonable state of repair and not in proper working order;
 - (b) the light switch in the upper hall is not working properly and requires to be repaired/replaced;
 - (c) the ceiling lights in the upper hall are flickering and are not in proper working order;
 - (d) the Landlords had not provided the Committee with a Landlord's Gas Safety Record from a suitably qualified engineer to confirm that the hob (including the ignition switch) has been inspected and is in a reasonable state of repair and in proper working order;
 - (e) rainwater is still penetrating the area around the letterbox at the side of the front door.
10. 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 25% of the rent which would, but for the Order, be payable.
11. The decision of the Committee was unanimous.

Right of Appeal

- 12. A Landlord or Tenant aggrieved by the decision of the Private Rented Housing Committee may apply to the Sheriff by summary application within 21 days of being notified of that decision.**

Effect of Section 63

- 13. 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 **R Handley** Date **6 / DECEMBER / 2016**
Chairperson



Rent Relief Order

Ordered by the Private Rented Housing Committee

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**Elizabeth Raymonde Manshoury and Mehdi Manshoury
9 Duddingston Crescent
Edinburgh
EH15 3AS
("the Landlords")**

NOTICE TO THE LANDLORDS

Whereas in terms of their decision dated 6 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 Landlords has failed to comply with the Repairing Standard Enforcement Order dated 27 August 2010 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 property by an amount of 25% 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 are executed by Ronald G Handley, solicitor, chairperson of the Private Rented Housing Committee at Dunbar on 6 December 2010 before this witness:-

J Handley __ witness

R Handley __ chairman

JANE HANDLEY name in full

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DUNBAR

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BH42 1GP

COLLEGE LECTURER occupation