

**Statement of Decision of the Private Rented Housing Committee  
Under Section 26(1) of the Housing  
(Scotland) Act 2006**

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**PRHP Ref: PRHP/G41/89/10**

**Re:- Property at Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN ("the property")**

**Land Register Title No. GLA43995**

**The Parties:-**

**Idris Asanai Mekal residing at Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN  
("the tenant")**

and

**Ranjat Singh, Nirmala Kaur and Partab Singh, all residing at 1 Alder Road,  
Mansewood, Glasgow, G43 2UY  
("the landlord")**

**The Committee comprised:-**

Mr James Bauld - Chairperson

Mr Alan English - Surveyor member

## Background

1. On 7<sup>th</sup> September 2010, the Committee issued a Determination which decided that the landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the 2006 Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the Committee required the landlords to carry out such works as were necessary to:-
  - carry out appropriate repairs to the roof of the property to make the property wind and water tight;
  - repair the ceilings within bedroom numbers 2, 3 and 4 to restore them to proper condition; and
  - repair the broken floor boards within bedroom 3 of the property
3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within 2 months of the date of the Order. The RSEO was effectively served on the landlord.
4. On 10<sup>th</sup> December 2010 the Committee carried out a further inspection of the property for the purpose of ascertaining whether the repairs required by the RSEO had been completed.
5. During the inspection of the property, the tenant was present but the landlord was neither present nor represented. The Committee inspected the property. It was apparent to the Committee that none of the repairs ordered in terms of the RSEO had been started far less completed.
6. A reconvened hearing of the Committee then took place within the PRHP offices in Glasgow. That date had been notified to the parties in advance to allow them to make representations to the Committee either in writing or at the hearing. The purpose of the hearing was to decide whether the landlord had complied with the RSEO made by the Committee in terms of Section 26(1) of the Act.
7. The tenant did not attend the hearing. The landlord did not attend the hearing.
8. At the hearing the Committee determined that the landlord had failed to comply with the terms of the RSEO.

## **Determination and Reasons**

9. The Committee considered the evidence which was apparent at the re-inspection. The Committee determined that in terms of Section 26(1) of the Act that the landlord had failed to comply with any of the terms of the RSEO.
10. The Committee then considered whether a Rent Relief Order should be made in terms of Section 27 of the Act. The Committee determined that in all the circumstances of this case such an Order should be made given the landlord's failure to comply with the terms of the RSEO and given the landlord's failure to provide any reasonable excuse for this failure.
11. The Committee then considered the amount by which any rent payable under the tenancy in question should be reduced. In doing so the Committee considered the impact of the outstanding repairs upon the tenant's use and enjoyment of the property. In all the circumstances the Committee determined that an appropriate reduction in rent would be 40% of the contractual monthly rent, namely a reduction in rent of £276.92 per month from the calendar monthly rent shown in the tenancy agreement of £692.30. The Committee considered that the Rent Relief Order should be effective 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 Act.

## **Decision**

12. The Committee, having made such enquiries as it saw fit for the purposes of determining whether the landlords had complied with the RSEO in relation to the property concerned and taking full account of all the evidence obtained at the inspection and at the hearing 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 notice of failure be served upon the local authority in which the property is situated.
13. The Committee proceeded 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.
14. The decision of the Committee was unanimous.

## **Rights of Appeal**

15. A landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by Summary Application within 21 days of being notified of that decision
16. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP or the Committee which made the decision

### Effect of Section 63

17. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.
18. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed..... **J Bauld** .....  
Chairperson

Date 20/12/10

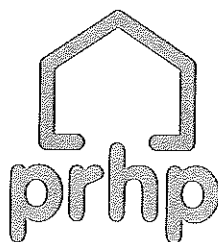
Signature of Witness... **G Williams** ...  
/

Date 20/12/10

Name: Gillian Williams

Address: 7 West George Street, Glasgow, G2 1BA

Designation: Senior Court Administrator



## Rent Relief Order

### Ordered by the Private Rented Housing Committee

Property at Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN ("the property")

#### The Parties:-

Idris Asanai Mekal residing at Flat 2/2, 253 Albert Drive, Glasgow, G41 2RN ("the tenant")

And

Ranjat Singh, Nirmala Kaur and Partab Singh, all residing at 1 Alder Road, Mansewood, Glasgow, G43 2UY ("the landlord")

**NOTICE TO Ranjat Singh, Nirmala Kaur and Partab Singh, all residing at 1 Alder Road, Mansewood, Glasgow, G43 2UY**

In terms of their decision dated 20<sup>th</sup> December 2010, the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 ("the 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 £276.92 per calendar month 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.

**J Bauld**

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James Bauld, Chairperson  
Private Rented Housing Committee

Date 20/12/10

**G Williams**

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Witness (Sign)

Date 20/12/10

Name: Gillian Williams  
Address: 7 West George Street, Glasgow, G2 1BA  
Designation: Senior Court Administrator