



## Repairing Standard Enforcement Order

### Ordered by the Private Rented Housing Committee

REF:PRHP/RP/16/0165

Re: 38 Bankhead Avenue, Knightswood, Glasgow, G13 3TD being the subjects registered in the land Register under Title Number GLA175578 ('The Property')

**The Parties:**

Miss Margaret McDonald residing at 38 Bankhead Avenue, Knightswood, Glasgow, G13 3TD ('The Tenant')

Thomas Jordan and Peter Jordan residing at 39 Ormiston Avenue, Scotstoun, G14 9EL represented by Core Property Management, Core Property House, 4 Claremont Place, Glasgow, G3 7YR ('The Landlord')

The Committee members are Jacqui Taylor (Chairperson) and Sara Hesp (Surveyor Member).

#### NOTICE TO

The said Thomas Jordan and Peter Jordan

Whereas in terms of their decision dated 11th August 2016, the Private Rented Housing Committee determined that the Landlords have failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlords have failed to ensure the Property is wind and watertight and in all other respects reasonably fit for human habitation; the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and proper working order; that the fixtures and fittings and appliances provided by the Landlords under the Tenancy are in a reasonable state of repair and proper working order and the Property has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

The Private Rented Housing Committee now requires the Landlords to carry out such work as are necessary for the purposes of ensuring that the Property meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Private Rented Housing Committee requires the Landlords to:-

1. Investigate and carry out works to eradicate the presence of damp in the kitchen.
2. Install the new gas boiler and exhibit a compliant Gas Safety Certificate.
3. Label the operating dials on the oven.
4. Install one CO2 detector in every space containing a fixed combustion appliance.

The Private Rented Housing Committee order that these works must be carried out and completed By 31<sup>st</sup> October 2016.

**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, 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.....  
Chairperson.

..... Date 11<sup>th</sup> August 2016

.....witness: KEIRSTEN BYRNE, 65, High Street, Irvine



## 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

REF:PRHP/RP/16/0165

Re: 38 Bankhead Avenue, Knightswood, Glasgow, G13 3TD being the subjects registered in the land Register of Sasines under Title Number GLA175578 ('The Property')

#### The Parties:

Miss Margaret McDonald residing sometime at 38 Bankhead Avenue, Knightswood, Glasgow, G13 3TD ('The Tenant')

Thomas Jordan and Peter Jordan residing at 39 Ormiston Avenue, Scotstoun, G14 9EL represented by Core Property Management, Core Property House, 4 Claremont Place, Glasgow, G3 7YR ('The Landlord')

The Committee members are Jacqui Taylor (Chairperson) and Sara Hesp (Surveyor Member).

#### Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) in relation to the Property, determined that the Landlords have failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

#### Background

1. By application received by the PRHP Administration on 25<sup>th</sup> April 2016 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlords have failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").

2. The application by the Tenant stated that she considered that the Landlords have failed to comply with their duty to ensure that the Property meets the repairing standard. She advised that the Property is not wind and watertight and in all other respects reasonably fit for human habitation; the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and proper working order; any fixtures, fittings and appliances provided by the Landlords under the tenancy are not in a reasonable state of repair and proper working order and the Property does not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

In particular the application stated:-

- 2.1 *'The bathroom floor is soaking wet. Water is coming up through broken tiles.*
- 2.2 *'Ants and woodlice are crawling about the kitchen due to dampness.*
- 2.3 *'The gas boiler is not working properly. It has very low pressure and it keeps switching off and on and at times she is sitting in the cold.*
- 2.4 *'The washing machine was not working and leaking water.*
- 2.5 *'The cooker has no direction on the front to guide you with cooking.'*

3. The Tenant had notified the Landlords agent Daniel Hughes of Core Property Management of the alleged defects by emails dated 6<sup>th</sup> and 26<sup>th</sup> January 2016.

4. The Convenor of the Private Rented Housing Panel, having considered the application, referred the application under Section 22 (1) of the Act to a Private Rented Housing Committee.

5. The Committee members are Jacqui Taylor (Chairperson) and Sara Hesp (Surveyor Member).

6. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon the parties dated 29<sup>th</sup> June 2016.

7. The Committee attended at the Property on 10<sup>th</sup> August 2016. The Property is a 1930's quarter villa ground floor flat. The accommodation comprises living room, two bedrooms, kitchen and bathroom. The Tenant had vacated the Property. The Property was being advertised as available for lease. The Landlords' representative Daniel Hughes of Core Property Management was present at the inspection. The Tenant was not present.

The Committee inspected the alleged defects and found as follows:-

7.1 The bathroom floor is soaking wet. Water is coming up through broken tiles.

Daniel Hughes explained that the dampness referred to in the application was in the area of the toilet and the dampness had recently been repaired. There was no evidence of dampness at the inspection. A new vinyl floor had been laid and the walls had been faced with wet walling. The northmost internal bathroom wall adjoined the rear bedroom. There was some discolouration to the plaster of the adjoining wall within the bedroom but no dampness was evident.

7.2 Ants and woodlice crawling are about kitchen due to dampness.

There was evidence of dampness in the space where the washing machine had previously been situated. The dampness was evident to the internal face of the outside wall and the internal face of the internal wall that adjoins the bathroom.

7.3 The gas boiler is not working properly. It has very low pressure and it keeps switching off and on and at times she is sitting in the cold.

The boiler had been removed and was situated in the front garden. The replacement boiler was in a box in the living room waiting to be installed.

7.4 The washing machine was not working and leaking water.

There was no washing machine in the Property.

7.5 The cooker has no direction on the front to guide you with cooking.

There are three control dials for the cooker but there are no instructions marking the functions of each dial.

7.6 There is no carbon monoxide alarm in the Property.

There was no carbon monoxide alarm in the Property.

Photographs were taken during the inspection and are attached as a Schedule to this report.

8. Following the inspection of the Property the Private Rented Housing Committee attended Wellington House, 134-136 Wellington Street, Glasgow, G2 2XL for the scheduled hearing.

The Tenant did not attend. The Landlords did not attend and were not represented.

## 9. Summary of the issues

The issues to be determined are:

9.1 The Property is not wind and watertight and in all other respects reasonably fit for human habitation (Section 13(1)(a) of The Housing (Scotland) Act 2006).

Whether there is dampness in the kitchen and/ or bathroom sufficient to result in the Property not being wind and water tight and in all other respects reasonably fit for human habitation.

9.2 That the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order (Section 13(1)(c) of The Housing (Scotland) Act 2006).

Whether the boiler is in a reasonable state of repair and proper working order.

9.3 That the fixtures, fittings and appliances provided by the Landlord under the tenancy were not in a reasonable state of repair and in proper working order (Section 13(1)(d) of The Housing (Scotland) Act 2006).

Whether the cooker is in a reasonable state of repair and in proper working order and whether there is an obligation on the Landlords to replace the washing machine that was not in the Property at the inspection.

9.4 The Property does not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health (Section 13(1)(g) of The Housing (Scotland) Act 2006).

Whether the Property has sufficient provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

## 10. Findings of fact

The Committee determined that:

10.1 The Property is not wind and watertight and in all other respects reasonably fit for human habitation (Section 13(1)(a) of The Housing (Scotland) Act 2006).

There was evidence of dampness in the kitchen , but not the bathroom, at the inspection. Accordingly there was evidence that the Property was not wind and water tight and in all other respects reasonably fit for human habitation.

10.2 That the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are not in a reasonable state of repair and in proper working order (Section 13(1)(c) of The Housing (Scotland) Act 2006).

The original boiler had been removed and was located in the garden. The new boiler had not been installed. Accordingly the boiler is NOT in a reasonable state of repair and proper working order.

10.3 That the fixtures, fittings and appliances provided by the Landlord under the tenancy were not in a reasonable state of repair and in proper working order (Section 13(1)(d) of The Housing (Scotland) Act 2006).

The absence of labels to the control dials means that it is not possible to tell which particular dial controls the light, oven or grill. The absence of the labels means that the cooker is not

safe to use and results in the cooker NOT being in a reasonable state of repair and in proper working order.

Daniel Hughes advised the Committee that the washing machine had belonged to the Tenant. This fact and the fact that there was no washing machine in the Property at the inspection means that there is no obligation on the Landlords to replace the washing machine.

10.4 The Property does not have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health (Section 13(1)(g) of The Housing (Scotland) Act 2006).

The absence of a carbon monoxide alarm results in the Property not having satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

## **11. Decision**

The Committee accordingly determined that the Landlords have failed to comply with the duties imposed by Section 14(1)(b), of the Act, as stated.

The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1).

12. The decision of the Committee was unanimous.

## **Right of Appeal**

**13. 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**

14. 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.

J Taylor

Signed .....  
Chairperson

..... Date 11<sup>th</sup> August 2016

11/8/16

J Taylor



Schedule of photographs taken during the inspection of 38 Bankhead Avenue,  
Knightswood, Glasgow G13 3TD (PRHP/RP/16/0165) on 10 August 2016



Front elevation

**Interior**



Bathroom



Schedule of photographs taken during the inspection of 38 Bankhead Avenue,  
Knightswood, Glasgow G13 3TD (PRHP/RP/16/0165) on 10 August 2016



Boiler cupboard (hallway)

**Kitchen**



Oven



Schedule of photographs taken during the inspection of 38 Bankhead Avenue,  
Knightswood, Glasgow G13 3TD (PRHP/RP/16/0165) on 10 August 2016



Kitchen – space for washing machine



Damp meter reading – external wall - near back door



Damp meter reading – internal wall – washing machine space