



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re Flat 1, 6A Annan Road, Dumfries, DG1 3AD ('the Property')

The Parties:-

Lawrence Reid residing sometime at Flat 1, 6A Annan Road, Dumfries ('The Tenant')

Douglas Singh residing at Star villa, 4 Annan Road, Dumfries, DG1 3AD ('The Landlord')

NOTICE TO

The Landlord, the said Douglas Singh residing at Star villa, 4 Annan Road, Dumfries, DG1 3AD

Whereas in terms of their decision dated 13th May 2013, the Private Rented Housing Committee determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and in particular the Landlord has failed to ensure that the Property was wind and water tight and in all other respects reasonably fit for human habitation and that the fixtures and fittings and appliances provided by the Landlord under the Tenancy are in a reasonable state of repair and proper working order.

The Private Rented Housing Committee now requires the Landlord to carry out such work as is 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 Landlord to:-

- (1) Reinstate the taps and ensure that they are in proper working order.
- (2) Eradicate the dampness in the front wall of the living room, the front gable and partition wall of the kitchen and the external wall of the bedroom and carry out necessary redecoration.

The Private Rented Housing Committee order that these works must be carried out and completed By 28th JUNE 2013.

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..... **J Taylor** Date 13th May 2013
Chairperson.....
..... **K Byrne** 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

Re Flat 1, 6A Annan Road, Dumfries, DG1 3AD ('the Property')

The Parties:-

Lawrence Reid residing sometime at Flat 1, 6A Annan Road, Dumfries ('The Tenant')

Douglas Singh residing at Star villa, 4 Annan Road, Dumfries, DG1 3AD ('The Landlord')

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) of the Housing (Scotland) Act 2006 ("the Act") in relation to the Property, determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 6th February 2013 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord has failed to comply with the duties imposed by Section 14 (1)(b) of the Act.
2. The application by the Tenant stated that he considered that the Landlord has failed to comply with his duty to ensure that the Property meets the repairing standard. He advised that the Property was not wind and watertight and in all other respects reasonably fit for human habitation and 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.

In particular the application stated that the taps needed to be repaired and there is severe damp in the living room, bedroom and kitchen.

3. The President 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.
4. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant, dated 12th March 2013.
5. The Committee attended at the Property on 10th May 2013. The Tenant had previously vacated the property. The Landlord's business partner, Sandra Thom, and their builder, from Keith Wells Joiners Limited, were present. The Committee inspected the alleged defects and found that property had been stripped out internally. The kitchen and bathroom fittings had been removed. There were no taps in the Property as the refurbishments had not been completed. Also the plaster on a

number of the walls had been stripped back in preparation for the damp treatment works. The builder from Keith Wells Joiners Limited explained that he had obtained a report on the dampness in the property from Sovereign Damp specialists in Glasgow. He explained that they have recommended that tanking works are completed to rectify the dampness. He hoped that the works would start in the next two weeks.

The surveyor member of the committee took damp meter reading of the walls that had been stripped back and advised that the readings were off the scale indicating the presence of damp.

6. Following the inspection of the Property the Private Rented Housing Committee attended at Georgetown Community Centre, Dumfries for the hearing that had been arranged. The parties did not attend.

Summary of the issues and findings of fact

7.1 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).

The Committee have to determine whether the dampness in the Property results in the Property not being wind and water tight and in all other respects reasonably fit for human habitation.

The Committee determined that the dampness DOES result in the Property not being wind and water tight and in all other respects reasonably fit for human habitation.

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

The Committee have to determine whether the taps are in a reasonable state of repair and in proper working.

The Committee determined that as the taps had been removed they were NOT in a reasonable state of repair and in proper working.

Decision

8. The Committee accordingly determined that the Landlord had failed to comply with the duties imposed by Sections 13 (1)(a) and 13(1)(d) of the Act, as stated.

9. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1). The Repairing Standard enforcement Order has a time limit of the 28th June 2013 for the Landlord to carry out works necessary to bring the property up to the repairing standard.

10. The decision of the Committee was unanimous.

Right of Appeal

11. 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

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, 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 **J Taylor** Date 13th May 2013
Chairperson