



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

**prhp Ref: FK8/4/11**

**Re : Property at 20 Ramsay Place, Raploch, Stirling ("the Property")**

**Land Register Title No: STG113**

**The Parties:-**

**Nicola Almass, 32 Alpin Drive, Dunblane ("the Landlord")**

**Gerald McGowan, 20 Ramsay Place, Raploch, Stirling ("the Tenant")**

**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 house concerned, and taking account of the written evidence presented by the Tenant, determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act.**

**Background**

1. By application dated 10 January 2011, the Tenant applied to the Private Rented Housing Panel for a determination as to whether the Landlord had 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 he considered that the Landlord had failed to comply with his duty to ensure that:- the house was wind and water tight and in all other respects reasonably fit for human habitation, that the installations in the house for supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order, that any fixtures and fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order and that any furnishings provided by the Landlord under the tenancy are capable of being used safely for the purpose for which they are designed.
3. The President of the Private Rented Housing Panel intimated a decision to refer 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.
5. The Private Rented Housing Committee (comprising Mrs Judith Lea, Chairman and Legal Member, Chris Harvey, Housing Member and Mike Links, Surveyor Member) inspected the Property on 18 April 2011. The Tenant was present. The Landlord was not present or represented.
6. Following the inspection of the Property, the Private Rented Housing Committee convened a hearing at Stirling Enterprise Park, Springkerse Road, Stirling. Neither the Landlord nor the Tenant attended.

## Decision

7. The Tenant had raised a number of matters in his application. The Committee were able to inspect all these matters at the inspection. The Committee considered each matter in turn.
8. Front Door  
The Tenant complained that a draught was getting in due to defective seals on the front door. It was however clear from inspection that the front door did have adequate seals and appeared to close satisfactorily. There was no evidence of any draught and no evidence of water penetration. The Committee noted that there was a cracked fascia plate at the bottom of the door but this did not appear to be causing any problems. The Committee accordingly did not find a breach of the Repairing Standard.
9. Windows  
The Tenant claimed that the windows required to be re-sealed as there was a draught and rain was getting in. However from inspection the windows all appeared to fit well and there was no evidence of a draught or water penetration. The Tenant suggested that the window in the hall was particularly bad but damp meter readings were taken around this window and there was no evidence of any problem. The Committee accordingly did not find any breach of the Repairing Standard.
10. Dampness in the Hall and Wet Hall Carpet  
The Tenant claimed that there was a problem with dampness in the hall (being the entrance lobby) and that the carpet in the hall was wet and smelly. From inspection it was clear that the carpet was dirty but it appeared perfectly dry and the damp meter readings were normal. The Committee did not notice any musty smell and found no evidence that would suggest there is an ongoing damp problem in the hall. The Committee accordingly did not make any Order in respect of this.
11. Doorway at the top of the Stairs  
The Tenant complained that it was draughty as there was no door at the top of the stairs. The Committee considered that it was unlikely that the property would have had a door in situ when built. Given the location at the top of the stairs, the Committee considered it doubtful that a door would be acceptable in terms of health and safety. The Committee did not find that there was a breach of the Repairing Standard.
12. Living Room and Bedroom Floorboards  
The Tenant advised that the floorboards in the living room and front bedroom were uneven and a trip hazard. From inspection, the Committee noted that the floorboards were slightly uneven and squeaked a little but did not consider them to be a hazard. The carpet was not worn and there was no trip hazard. The Committee did not find that there was a breach of the Repairing Standard.
13. Kitchen Cupboards  
The Tenant pointed out that there was a drawer front missing and that the kitchen cupboards had no handles and broken hinges. It was clear from inspection that the cupboards were not in a reasonable state of repair or in proper working order. The Committee accordingly found that there was a breach of Section 13(1)(d) of the Act and resolved to make an Order in respect of this.
14. Light Sockets and Electrical Sockets  
The Tenant pointed out the loose electrical sockets in the living room and kitchen and the light socket in the hall with exposed wires. The light in the living room was only working sporadically. The Committee considered that this could be a safety issue and the Committee could not be satisfied that the electrical sockets and light sockets were in a reasonable state of repair and in proper working order. The Committee accordingly considered this a breach of Section 13(1)(c) and resolved to make an Order in respect of the matter.

15. Toilet and Bath

It was clear from the inspection that the bath had enamel missing and was badly rusted. It was also clear from inspection that the toilet pan was cracked and the toilet seat was loose. The Committee find that the bath and WC are not in a reasonable state of repair and found a breach of Section 13(1)(c) of the Act and resolved to make an Order.

16. Dampness of the Bathroom Walls

The Tenant stated that there was a problem with damp in the bathroom. There was however no positive reading on the damp meter and from their own knowledge and experience the Committee consider that any damp in the bathroom is likely to be as a result of condensation rather than there being a damp problem. The Committee accordingly did not find a breach of the Repairing Standard.

17. Hole in Ceiling in Cupboard in the Hallway

It was clear from inspection, as was pointed out by the Tenant, that there was a small hole in the ceiling of the cupboard. The Committee however did not consider that this affected the use of the cupboard and did not consider it a breach of the Repairing Standard.

18. Bedroom Carpet

The Tenant confirmed that the carpet that was now in place was not a trip hazard. The Committee has to consider the property as at the date of the inspection. Accordingly no breach of the Repairing Standard was found.

19. The Committee accordingly determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Act and proceeded to make a Repairing Standard Enforcement Order as required by Section 24(2).

20. The decision of the Committee was unanimous.

21. Given that none of the work required is particularly onerous, the Committee consider it reasonable for this to be done within a period of six weeks.

22. At the inspection the Committee noted that the property did not have a smoke alarm and the Tenant also pointed out issues with the gas boiler. The Committee was not able to consider these matters as they had not been raised by the Tenant in his original application to the Committee. The Committee would however strongly recommend, for safety reasons, that the Landlord install a hard wired interconnected smoke alarm system and that the Landlord produce a gas safety certificate as soon as possible.

**Right of Appeal**

23. 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**

24. 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 Lea

Signed .....  
Chairperson

..... Date 26 April 2011

**A Repairing Standard Enforcement Order**  
**Ordered by the Private Rented Housing Committee**

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Land Register Title No: STG113

**The Parties:-**

**Nicola Almass, 32 Alpin Drive, Dunblane ("the Landlord")**

**Gerald McGowan, 20 Ramsay Place, Raploch, Stirling ("the Tenant")**

**NOTICE TO**  
**Nicola Almass, 32 Alpin Drive, Dunblane**

Whereas in terms of their decision dated 26 April 2011, The Private Rented Housing Committee having 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 that the Landlord has failed to comply with the duty to ensure that:- that the installations in the house for supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order and that any fixtures and fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in 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 house concerned meets the Repairing Standard and that any damage caused by the carrying out of any of the work in terms of this Order is made good.

In particular, the Private Rented Housing Committee requires the Landlord to:-

1. Have the electrical installations in the property checked and certified by a NICEIC approved contractor to ensure that they are in a reasonable state of repair and in proper working order.
2. Repair/replace the WC and bath to ensure that both are in a reasonable state of repair and in proper working order.
3. Repair/replace the kitchen cupboards and drawers to ensure that they are in a reasonable state of repair and in proper working order.

The Private Rented Housing Committee orders that the work should be carried out within a period of 6 weeks from the date of service of this notice.

**A landlord or a tenant aggrieved by this 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 variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents type written on this and the preceding page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 26 April 2011 before this witness:-

**R Graham**

..... Witness

Rachel Graham  
Unit 3.5, The Granary Business Centre  
Coal Road  
Cupar  
Fife

**J Lea**

..... Chairman