

PRIVATE RENTED HOUSING PANEL

CASES DECIDED BY PRIVATE RENTED HOUSING COMMITTEE IN SCOTLAND April - June 2010

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES						
RAC/G42/728 31 Mar 2010	1/L, 27 Daisy Street, Glasgow, G42 8JN	First floor flat in traditional sandstone tenement C.1890, refurbished in 1994, comprising 2 rooms, dark kitchen and narrow bathroom. With gas central heating and double glazing. Gross internal floor area is approximately 40 sq. m.	£3,300.00	£3,500.00	£3,780.00	L
RAC/ML4/730 26 Mar 2010	1/1, 195 Main Street, Bellshill, ML4 1AH	The property comprises of a first floor tenement flat with attic over a shop constructed c.1890 which is entered through a pend to rear. The property has an enclosed common stair, and comprises living room, two attic bedrooms with steep stair access, kitchen (subdivided by the tenants to form kitchenette and separate dining room) and bathroom with shower. There are gardens to rear with shared facilities and a secure car parking space. The property has gas central heating and double glazing, with the exception of the bathroom window and internal stair skylight, which are single glazed. Damp was noted in the bedroom to the right of the internal stairs. The gross internal area of the property extends to 65 sq. m. or thereby. There appears to be a good range of local amenities close to the property.	£2,590.00	£2,499.99	£3,000.00	L
RAC/EH16/732 13 May 2010	71 Dalkeith Road, Edinburgh, EH16 5AL	Detached cottage with front garden, 3 rooms, living kitchen, store room, bathroom and WC Gross internal floor area is approximately 56 square metres	£4,000.00	£6,000.00	£6,000.00	L
RAC/EH6/733 13 May 2010	2F1, 18 Lorne Street, Edinburgh, EH6 8QP	Second floor flat in traditional 4 storey tenement, 2 rooms, living/kitchen, bathroom and WC. Gross internal floor area = 57 square metres	£3,300.00	£4,000.00	£4,800.00	L
RAC/G42/735 13 May 2010	2/2, 26 Battlefield Gardens, Glasgow, G42 9JP	Second floor unmodernised traditional tenement flat circa 1890 comprising three rooms, living kitchen and bathroom. Gross floor area: 90 square meters.	£3,100.00	£3,756.00	£4,300.00	L

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES						
RAC/EH6/736 13 May 2010	PF2, 22 Lorne Street, Edinburgh, EH6 8QP	Ground floor flat in traditional 4 storey tenement, 3 rooms, kitchen/diner, bathroom and WC. Gross internal floor area = 79 square metres	£3,450.00	£4,200.00	£6,000.00	L
RAC/G11/737 13 May 2010	3/1, 242 Dumbarton Road, Glasgow, G11 6TU	Third floor modernised traditional tenement flat circa 1900 with double glazing and gas central heating comprising two rooms, kitchen and bathroom. Gross floor area: 55 square meters.	£2,284.44	£2,801.76	£4,450.00	L
RAC/EH9/739 1 Jun 2010	1F1, 12 Gladstone Terrace, Edinburgh, EH9 1LS	First floor traditional tenement flat circa 1900 comprising four rooms, kitchenette and shower room. Gross floor area - 82 square meters	£3,675.00	£5,000.00	£6,480.00	L
RAC/EH6/740 1 Jun 2010	1F2, 313 Leith Walk, Edinburgh, EH6 8SA	First floor traditional tenement flat circa 1900 comprising four rooms, dining kitchen and bathroom Gross floor area - 99 square meters	£3,700.00	£5,000.00	£6,120.00	L
RAC/EH9/741 1 Jun 2010	1F2, 26 Roseneath Terrace, Edinburgh, EH9 1JW	First floor traditional tenement flat circa 1900 comprising two rooms, living kitchen and unventilated bathroom. Gross floor area - 44 square meters	£3,200.00	£4,000.00	£4,320.00	L
RAC/G44/742 27 May 2010	3/1, 72 Holmlea Road, Glasgow, G44 3AG	Third floor traditional tenement flat circa 1900 with gas central heating comprising two rooms, living kitchen, scullery and bathroom.	£2,940.00	£3,440.00	£3,900.00	L

REFERENCE	ADDRESS	DESCRIPTION	PRESENT RENT per annum £	PROPOSED NEW RENT per annum £	PRHC RENT per annum £
ASSURED CASES					
RAC/G52/A66 14 June 2010	52 Innerwick Drive, Glasgow, G52 2HY	Upper cottage flat within two storey block of four flats circa 1930 with gas central heating and partial double glazing comprising four rooms, kitchenette and bathroom with relative garden ground.	£5,040.00	£5,700.00	£5,200.00

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRING STANDARD: COMPLIED DECISIONS				
prhp/DD4/107/09	30E Springhill, Dundee, DD4 6HP	13(1)(a,d,e)	19 Mar 2010	Having considered all the evidence the Committee found that (as at the date of inspection of the property) there was no evidence of disrepair as outlined by the tenant in his application. The Committee were satisfied as at the date of their inspection the property met the Repairing Standard. In the circumstances the Committee determined to dismiss the application.
prhp/DD5/121/09	5a Castle Terrace, Dundee DD5 2EG	13(1)(a,d)	30 Apr 2010	The Committee accordingly determine that the Landlords have complied with the duty imposed by Section 14(1)(b) of the Act and that it is not necessary to make a Repairing Standard Enforcement Order. The decision of the Committee is unanimous.
prhp/KY11/11/10	4 The Cross, West Wemyss, KY14 4SU	13(1)(b)	18 May 2010	The Committee accordingly determines that the Landlord has complied with the duty imposed by Section 14(1)(b) of the Act. The decision of the Committee is unanimous.
prhp/G20/14/10	1/1, 19 Kelvinside Terrace South, Glasgow, G20 6DW	13(1)(d)	7 Apr 2010	Having considered all the evidence, the Committee found that, as at the date of the inspection of the hearing, there is no evidence of disrepair as outlined by the tenant in his application. The Committee were satisfied that (as at the date of their inspection) the property met the Repairing Standard. In the circumstances the Committee determined to dismiss the application.
prhp/G82/24/10	147 Glasgow Road, Dumbarton, G82 1RQ	13(1)(c)	19 Apr 2010	The Committee were not satisfied that there was evidence that the tenant had been required to pay excessive electricity costs during his period of occupation. The tenant had alluded to possible reduced electricity rates (had there been a dual meter installed), but there was no specific evidence produced in this respect. The tenant did not produce any comparative evidence upon which the Committee could form a view that the costs paid by the tenant for electricity were excessive. Even if the Committee had been satisfied that the tenant had been paying excessive electricity costs during the period of his occupation, the Committee were of the view that this did not in itself mean that the space heating system within the property was not in proper working order. It was the Committee's view that the heating system operated correctly and appeared to be in proper working order. The cost of operation of the heating system was, in the Committee's view, not a matter which could properly be considered when examining whether or not the heating system met the requisite Repairing Standard. In all the circumstances the Committee determined to dismiss the application. The decision of the Committee was unanimous.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRING STANDARD: COMPLIED DECISIONS (continued)				
prhp/G31/25/10	48 Quarryknowe Street, Glasgow, G31 5LE	13(1)(a,c,d, e,f)	26 May 2010	The Committee could find no evidence of any failure to meet the repairing standard or the duties incumbent on the landlord. The Committee had carefully inspected the property and could find no evidence to support any of the allegations made by the tenant. The tenant was not present during the inspection. The property was in a state of repair which more than met the repairing standard. The decision of the Committee was unanimous to dismiss the application.
prhp/KA12/31/10	79 Galt Avenue, Irvine, KA12 0NX	13(1)(b)	19 May 2010	The issues to be determined are whether the defect claimed by the Tenant were present at the time of the inspection resulting in the Landlord failing to meet the Repairing Standard. The defects claimed are dampness to the kitchen wall. The Committee finds that there was no dampness to the kitchen wall but there was some historic staining of the wall paper. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act. The decision of the Committee was unanimous.
prhp/AB30/32/10	12 Gardenston Street, Laurencekirk, AB30 1UG	13(1)(a,b,c)	11 May 2010	In the circumstances given that the Committee must consider the state of the property as it is at present, the Committee did not consider that the Landlord was in breach of the Repairing Standard and did not consider it necessary to make a Repairing Standard Enforcement Order.
prhp/IV31/36/10	63A East Commerce Street, lossiemouth, IV31 6QQ	13(1)(a,c,d, e,f)	17 May 2010	The Committee accordingly determines that the landlord had not failed to comply with the duty imposed by section 14(1)(b) of the Act. The Committee accordingly dismisses the application.
prhp/G3/63/10	0/1, 29 Bentinck Street, Glasgow, G3 7TS	13(1)(c)	2 Jun 2010	The issues to be determined are whether the defect claimed by the Tenant were present at the time of the inspection resulting in the Landlord failing to meet the Repairing Standard. The defect claimed is failure of the boiler to provide hot water, when the heating is not turned on. The Committee found that the boiler was a combination boiler. At the time of the inspection the heating was not on but there was hot water in the tap at the kitchen sink. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act. The decision of the Committee was unanimous.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS				
prhp/ML11/70/08	28 Allison Street, Carstairs, ML11 8RG	13(1)(a,b,d)	12 May 2010	On 14 January 2010 the Committee re-inspected the property. Following the re-inspection the Committee found that all the issues detailed in the RSEO (and the subsequent Variation of that Order) had been remedied by the landlord with the exception of the works required to ensure that the roof (including the slates, ridge tiles, gutters and downpipes) was in a reasonable state of repair and proper working order. Consequently the Committee found that the landlord had failed to comply with the RSEO. The Committee proceeded 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 20% of the rent which would, but for the order, be payable. The decision of the Committee was unanimous. The Committee carried out a further inspection of the property on 12 May 2010 and, having done so, found that the works required by the RSEO had been properly completed. Consequently the Committee agreed that the RSEO be discharged and the Rent Relief Order be revoked.
prhp/Ky11/7/09	68 Glencoul Avenue, Fife, KY11 9XL	13(1)(b,d)	25 Mar 2010	The Committee re-inspected the Property on 25 March 2010 and having done do found that the works required by the Repairing Standard Enforcement Order dated 12 May 2009 had been properly completed. Consequently the Committee agreed that the Repairing Standard Enforcement Order be discharged.
prhp/IV2/24/09	27D Ardconnel Street, Inverness, IV2 3HA	13(1)(a,b,c,d,f)	21 May 2010	The Committee having made such enquiries as was fit for the purpose of determining whether the Landlords had complied with the Repairing Standard Enforcement Order in relation to the Property concerned, and taking account of the evidence led by both the Landlord and the Tenant at the Hearing determined that the Landlords had now complied with the RSEO in terms of the Housing (Scotland) Act 2006. Accordingly a Certificate of Completion should now be issued. The Committee, in light of the decision to issue a Certificate of Completion in respect of the RSEO, also resolved to revoke the Rent Relief Order that had been placed on the property. The decision of the Committee was unanimous.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)				
prhp/EH30/34/09	70 Walker Drive, South Queensferry, EH30 9RR	13(1)(a,c,d)	25 Mar 2010	On 25 th March 2010 the Tenant emailed the offices of the Private Rented Housing Panel. At that time the Tenant was able to confirm that all repairs required to the property had been completed. The Committee having now heard from the Tenant that she was satisfied that all necessary works in accordance with the Repairing Standard Enforcement Order had been completed now certify that the work has been so completed. In the circumstances tthe Committee have determined to issue a Certificate of Completion in respect of the Property.
prhp/KY6/54/09	3 Morsehead Place, Glenrothes, KY6 3AH	13(1)(a,c)	20 Apr 2010	The Committee advised the landlord's agent that they were minded to issue a certificate of completion in respect of the works referred to in the RSEO if the agent gave an undertaking that they would paint the window frames of all the new windows. The agent agreed. In addition, the agent gave a further voluntary undertaking to ensure that the property was fitted with a mains wired smoke alarm as soon as was reasonably practicable. The Committee accordingly determines that the RSEO has been complied with and further that the RSEO should be discharged as a consequence.
prhp/IV14/90/09	Eldon Lea, Ardival, Strathpeffer, IV14 9DS	13(1)(c,e)	29 Apr 2010	The Committee advised the parties that they were minded to issue a certificate of completion in respect of the works referred to in the RSEO as a consequence of (1) the works ordered in the RSEO at paragraphs 3(a)(b)(c) being completed and (2) a suitable undertaking having been given by the agent in respect of the uncompleted works at paragraph 3(d). The Committee accordingly determines that the RSEO has been complied with and further that the RSEO should be discharged as a consequence.
prhp/EH7/100/09	174/7 Albert Street, Edinburgh, EH7 5NA	13(1)(c,d)	25 Mar 2010	Both the tenant and landlord were present at the re - inspection. The Committee noted the whole kitchen sink unit, the tile finishes behind the unit all kitchen worktop units and both kitchen wall cupboards had had been replaced. Accordingly, the Committee was satisfied that all works required by the RSEO had been carried out and granted a Certificate of Completion.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)				
prhp/EH30/108/09	23 William Black Place, South Queensferry, EH30 9QR	13(1)(a,c,d)	15 Apr 2010	The Committee noted that:- <ul style="list-style-type: none"> • The carpet tiles have now been fitted. • The wash hand basin taps have now been fitted. • A brush draught excluder has been fitted to the inner face of the front door and a rubber strip to the outer face. 4. The Committee was satisfied that all works required by the RSEO had been satisfactorily carried out. Accordingly, the Committee decided to grant a Certificate of completion
prhp/DD5/7/10	8 Kingennie Road, Broughty Ferry, DD5 3PG	13(1)(a,b,c,d)	23 Apr 2010	Upon re-inspection it was found :- The cooker hob has been replaced and is in working order. The central sliding door of the bedroom wardrobe has been fixed in a static position. The condition of the doors is now satisfactory. Accordingly the Committee is satisfied that all works required in terms of the Repairing Standard Enforcement Order have been carried out and grants a Certificate of Completion.