

PRIVATE RENTED HOUSING PANEL

CASES DECIDED BY PRIVATE RENTED HOUSING COMMITTEE IN SCOTLAND July - September 2011

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES						
RAC/EH6/807 3 Aug 2011	2F2, Lorne Street, Edinburgh, EH6 8QU	A first floor flat in a traditional tenement block built around 1880. The accommodation comprises a living room, a kitchen, two bedrooms, a bathroom and a separate WC.	£4,050.00	£4,860.00	£5,160.00	L
RAC/EH6/808 3 Aug 2011	3F2, 12 Lorne Street, Edinburgh, EH6 8QU	A top floor fiat in a traditional tenement block built around 1880. The accommodation comprises a living room, a kitchen, a bedroom, a bathroom and a separate WC.	£3,200.00	£3,684.00	£3,600.00	L
RAC/EH6/809 3 Aug 2011	2F2, 20 Lorne Street, Edinburgh, EH6 8QU	A flat in a traditional tenement block built around 1880. The accommodation comprises a living room, a kitchen, two bedrooms, a shower room and a separate WC.	£3,950.00	£4,740.00	£5,160.00	L
RAC/G3/810 2 Aug 2011	1/1, 24 Nairn Street, Glasgow, G3 8SF	First floor traditional tenement flat circa 1900 comprising one room, living kitchen and bathroom. Floor area - 46 square metres	£3,000.00	£3,480.00	£3,200.00	L
RAC/G41/811 23 Aug 2011	1/3, 37 Regwood Street, Glasgow, G41 3JN	First floor flat in 3 storey grey sandstone and tile tenement building C.1890 comprising 2 rooms, kitchen and bathroom.	£2,500.00	£3,600.00	£3,600.00	T
RAC/EH6/812 3 Aug 2011	1F2, 6 Lorne Street, Edinburgh, EH6 8QU	A first floor flat in a traditional tenement block built around 1880. The accommodation comprises a living room, a kitchen, two bedrooms, a bathroom and a separate WC.	£4,050.00	£4,860.00	£5,100.00	L

REFERENCE	ADDRESS	DESCRIPTION	PRESENT RENT per annum £	PROPOSED NEW RENT per annum £	PRHC RENT per annum £
ASSURED CASES					
RAC/G41/A79 2 Aug 2011	1/1, 42 Ripon Drive, Glasgow, G12 0DY	Unimproved first floor tenement flat circa 1930 comprising four rooms, kitchenette and bathroom. Floor area - 70 square metres	£4,050.00	£4,800.00	£3,500.00
RAC/PA20/A80 5 Aug 2011	8 Wilkie Homes, Townhead, Rothesay, Isle of Bute, PA20 9JH	Upper floor cottage flat circa 1920 with gas central heating and double glazing comprising two rooms, kitchen and shower room.	£1,966.92	£4,200.00	£4,200.00

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRING STANDARD: COMPLIED DECISIONS				
prhp/DG13/68/11	73 Henry Street, Langholm, DG13 0AR	13(1)(a-c)	12 Jul 2011	<p>Having inspected the property and taken account of the oral and written evidence and thereafter being guided by the Committee's professional Surveyor Member, the Committee finds the following facts to be established:-</p> <p>(a) The reference property is a ground floor flat. The tenant's complaints relate to common parts.</p> <p>(b) The guttering and down pipes require some repair and maintenance however their disrepair does not adversely affect the Tenant's use of the property. Similarly there are aspects of the exterior of the building which would benefit from repointing, however again the Tenant is not adversely affected by this lack of maintenance. As regards the chimney the Tenant confirms he is able to light a fire and that the fire draws properly. Accordingly he is not adversely affected by any problems with the chimneys. While the garden fence is shabby we are satisfied that it is in a reasonable state of repair.</p> <p>(c) As this is a flatted property Section 15(2) of the Act applies and the Landlord is not required to carry out any work to common parts unless any part of the reference property or anything in the property which the Tenant is entitled to use is adversely affected by the disrepair of the common parts or the failure to keep said common parts in proper working order. The Tenant confirmed on three separate occasions that he was not adversely affected by the perceived disrepair.</p> <p>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. The Committee has noted the areas of disrepair to the aforementioned common parts. While accepting the Landlord has complied with the duties imposed by Section 14(1)(b) of the Act the Committee nonetheless highlights these areas of disrepair to the Landlord.</p>
prhp/EH5/92/11	56/17 Waterfoot Park, Edinburgh, EH5 1FG	13(1)(d&e)	19 Sep 2011	<p>The Committee, having been advised that the Tenant had failed to respond to the letter of 29 August 2011, determined on 19 September 2011 that she had not provided a reasonable excuse for her failure to provide access to the Property on 19 August 2011, and in the absence of satisfactory evidence that the Landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Act, that the Landlord should be deemed to have complied with that duty.</p>

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS				
prhp/TD12/15/10	2 Butterlaw Farm Cottages, Coldstream, TD12 4HQ	13(1)(a,c,f)	7 Jul 2011	On 16 th June 2011, Donald Marshall, the surveyor member of the Committee attended at 2 Butterlaw Farm Cottages. He carried out an inspection of the property. The surveyor member of the Committee was satisfied that all works required by the RSEO had been completed. The Committee, having made such enquiries as it sees fit for the purpose of determining whether the landlords have complied with the RSEO in relation to the property concerned and taking full account of all the evidence provided by the landlords now determine that the landlords have fully complied with the RSEO in terms of Section 26 (1) of the Housing (Scotland) Act 2006 and hereby determine that a Certificate of Completion should be issued in respect of said order.
prhp/EH29/17/10	3 Carlowrie Farm Cottages, Kirkliston, EH29 9JE	13(1)(b&c)	25 Jul 2011	Mr King subsequently presented evidence to the Committee to confirm that the solid fuel burning stove in the living room had been removed and that the chimney opening had been sealed to prevent use. Moreover the landlord had installed an electric heater in the living room. The Committee were satisfied that the central heating system within the property was in proper working order and of sufficient capacity to heat the property. Consequently the Committee agreed that the RSEO be discharged.
prhp/KA10/18/10	Waterwork Cottage, Loans, KA10 7HR	13(1)(b,c)	16 Sep 2011	On 20 th July 2011 the surveyor member of the Private Rented Housing Committee inspected the Property and found that the drainage appeared to be functioning properly and new guttering and central heating boilers had been installed in both cottages. All the other works specified in the RSEO appeared to have been remedied, except that a PIR certificate was not provided. Thereafter the Landlord exhibited to the Committee valid PIR certificates for both Number 1 and Number 2 Waterworks Cottages (otherwise Troon Cottages). The Committee thereafter agreed that the RSEO had been complied with and a Completion Certificate should be issued.
prhp/EH9/57/10	9/8 Summerhall Square, Edinburgh, EH9 1QD	13(1)(c,d)	15 Jul 2011	On 21 st June 2011 it was apparent during the inspection that all the works required in terms of the RSEO had been completed. The Committee, having made such enquiries as it saw fit for the purposes of determining whether the landlord had complied with the RSEO in relation to the property concerned and taking full account of all the evidence provided by the landlord and the evidence obtained at the re-inspection now determined that the landlord had fully complied with the RSEO in terms of the Housing (Scotland) Act 2006 and hereby determine that a certificate of completion should be issued in respect of said Order. The Committee would revoke the Repairing Standard enforcement Order made in terms of Section 24 of the Act.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)				
prhp/AB54/73/10	Fourmanhill Cottage, Forgue, Huntly, AB54 7US	13(1)(a,b)	19 Aug 2011	From the Report it is clear the substantive repair work outlined in the RSEO has now been completed. There is some cosmetic decorative work outstanding. The landlord has offered to fund the cost of this redecoration should the tenant wish to undertake it herself or alternatively to carry out the work using his own tradespeople. Parties are negotiating on this point and the Committee considers it appropriate to allow this matter to be resolved at parties' convenience. The building repair work has been completed and the terms of the RSEO obtempered.
prhp/EH18/149/10	12 Broomieknowe, Lasswade, EH18 1LN	13(1)(a-c)	11 Jul 2011	The Committee carried out a further inspection of the property on 13 June 2011 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.
prhp/G31/151/10	3/3, 223 Cumbernauld Road, Glasgow, G31 2UF	13(1)(a)	29 Jul 2011	On 25th July 2011 the Landlord forwarded a receipt from John Hendry, Joiner, 27 Western Road, Mount Vernon, Glasgow for the following works carried out to the Property: (1) Mastic seal around timber windows. (2) Supply and fit new handles and restrictor bars. (3) Ease and adjust where required and lubricate mechanisms. Thereafter the Committee agreed that the works required by the RSEO have been completed and the appropriate Certificate of Completion in terms of Section 60 of the Housing (Scotland) Act 2006 should be issued.
prhp/PA6/154/10	4 Craigholm, Houston, PA6 7DB	13(1)(a,d)	3 Aug 2011	By letter dated 29th July 2011 the Tenant wrote to the offices of the Private Rented Housing Panel. In her letter the Tenant indicated that the Landlords had now completed the necessary work to the fence of the property and that she was satisfied that all repairs required to the property in terms of the Repairing Standard Enforcement Order had been completed. The Committee are now satisfied that all necessary works in accordance with the Repairing Standard Enforcement Order have been completed and now certify that the work has been so completed. In the circumstances the Committee have determined to issue a Certificate of Completion in respect of the Property.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)				
prhp/AB43/162/10	47D Barrasgate Road, Fraserburgh	13(1)(a,b)	20 Jul 2011	The property was re-inspected by the Committee Surveyor on 14th July, 2011 who advised in his report that all the works required by the RSEO had been completed. Accordingly, the Committee determines that it is appropriate to in the circumstances to issue a Certificate of Completion. The Committee accordingly determines that the RSEO has been complied with and further that the RSEO should be discharged as a consequence.
prhp/G33/165/10	51 Bellrock Crescent, Glasgow, G33 3HH	13(1)(a-d,f)	11 Jul 2011	The Committee, having made such enquiries as it sees fit for the purpose of determining whether the landlord had complied with the RSEO in relation to the property concerned and taking full account of all the evidence provided by both the tenant and the landlord and taking account of the evidence obtained during the re-inspections of the property, now determine that the landlord has fully complied with the RSEO in terms of Section 26(1) of the Housing (Scotland) Act 2006 and hereby determine that a Certificate of Completion should be issued in respect of said Order.
prhp/AB44/166/10	11 Deyhill, MacDuff, AB44 1PX	13(1)(a,f)	27 Jul 2011	The surveyor tested the patio door at the Property. Repairs had been carried out and it was now in proper working order. The surveyor tested the window in the bathroom of the Property and was satisfied that it could now open and shut easily and was properly wind and watertight. The surveyor also noted that a hardwired interlinked smoke alarm system within the Property had now been installed. Accordingly the Report from the surveyor to the Committee was that all the works in the RSEO had been undertaken to the appropriate standard. The Committee considered the terms of the re-inspection report and concluded that the terms of the RSEO had been complied with and that the Property now met the repairing standard. The Committee accordingly decided to issue a Certificate of Completion discharging the RSEO under Section 60 of the Housing (Scotland) Act 2006
prhp/KY16/175/10	63 Hepburn Gardens, St Andrews, KY16 9LS	13(1)(a,b,d,e)	15 Jul 2011	On the basis of the re-inspection and the evidence contained in the invoice from Andrew McManus, the Committee was satisfied that all works required by the RSEO had been satisfactorily carried out. The Committee accordingly decided to grant a Certificate of completion.
prhp/FK7/186/10	2 Douglas Terrace, Stirling, FK7 9LL	13(1)(a,c)	22 Aug 2011	The property was re-inspected by the Committee Surveyor on 10 August, 2011 who advised in his report that all the works required by the RSEO had been completed. Accordingly, the Committee determines that it is appropriate to in the circumstances to issue a Certificate of Completion. The Committee accordingly determines that the RSEO has been complied with and further that the RSEO should be discharged as a consequence.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)				
prhp/IV4/191/10	50A High Street, Beaully, IV4 7BX	13(1)(b-d)	12 Sep 2011	The Committee considered the results of the inspection. The majority of works had been carried out to a satisfactory standard. There was the possibility of some further works being required to the gable end of the Property. However considering the fact that the Tenant had removed, that there was no further water ingress present and no current damp the Committee considered that overall they were happy for the RSEO to be lifted and that the Property now met the repairing standard. The Committee accordingly decided to issue a Certificate of Completion discharging the RSEO under Section 60 of the Housing (Scotland) Act 2006.
prhp/EH4/192/10	Dovecot Cottage, Coulston Estate, Haddington, EH41 4PA	13(1)(a,b)	22 Aug 2011	The property was re-inspected by the Committee Surveyor on 11 August, 2011 who advised in his report that all the works required by the RSEO had been completed. Accordingly, the Committee determines that it is appropriate to in the circumstances to issue a Certificate of Completion.
prhp/FK8/4/11	20 Ramsay Place, Raploch, Stirling, FK8 1AG	13(1)(a,c,d, e)	23 Aug 2011	An NICEIC certificate was produced by the Landlord on 9 August 2011 which satisfied the Committee that the electrical installations in the property had been checked and certified by a NICEIC approved contractor. The Committee is accordingly now satisfied that all works required by the RSEO have been satisfactorily carried out. Accordingly the Committee decided to grant a certificate of completion.
prhp/TD14/13/11	South Lodge, Ayton Castle, Eyemouth, TD14 5RQ	13(1)(b,c)	7 Sep 2011	The Surveyor Member of the Committee noted that the necessary works had been carried out to the roof the property so that the property is wind and watertight and in all other respects fit for human habitation. In all the circumstances the Committee are satisfied that all works required by the RSEO have been satisfactorily carried out. Accordingly the Committee has issued a Certificate of Completion in respect of the works.
prhp/TD14/16/11	Huldie Cottage, Ayton Castle Estate, Eyemouth, TD14 5RD	13(1)(a-d)	12 Jul 2011	The Surveyor Member of the Committee noted that:(a) The chimney stack has been re-rendered. (b) The Kitchen window has been replaced with a PVC double glazed fitting. (c) Damp proofing repairs appear to have been carried out within the ground floor bedroom and the walls have been partially re-plastered. (d) The bedroom radiator has been replaced. (e) The front door and frame have been replaced. Additionally the door/frame has been painted and the frame sealed. (f) The flooring within the kitchen particularly in the vicinity of the fridge has been replaced. A number of kitchen fittings have also been replaced. (g) The back door and part of the door frame have been replaced. The renewed sections have now been painted. (h) The external security light requires replacement & repair. (i) The flue access cover has been repaired. The Committee are satisfied that it is appropriate to issue a Certificate of Completion.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)				
prhp/G31/37/11	71 Garthland Drive, Glasgow, G31 2RF	13(1)(a,c)	4 Jul 2011	On 17 June 2011 a Periodic Inspection Report dated 10 June 2011 was submitted to Prhp. The Report was satisfactory in its terms. It identified that following upon the installation of a new split load consumer unit; the installation for the supply of electricity had been tested and found to be satisfactory. The Committee considered the works specified in the RSEO have been satisfactorily completed and decided that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. If the Tenant continues to experience further periodic interruptions of supply by the activation of the circuit breaker, then the Committee considers it is for a reason most likely connected to the occupants' usage of the supply. The members of the Committee were unanimous in their decision.
prhp/EH41/38/11	1 Colstoun Gardener's Cottage, Colstoun Estate, Haddington, EH41 4PA	13(1)(c)	22 Aug 2011	The property was re-inspected by the Committee Surveyor on 11 August, 2011 who advised in his report that all the works required by the RSEO had been completed. Accordingly, the Committee determines that it is appropriate to in the circumstances to issue a Certificate of Completion. The Committee accordingly determines that the RSEO has been complied with and further that the RSEO should be discharged as a consequence.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: RSEO Revocations				
prhp/EH4/102/09	463 Queensferry Road, Edinburgh, EH4 7ND	13(1)(a,b,c)	8 Aug 2011	Having considered submissions from parties and having regard to the whole circumstances of this case and in particular a) the access difficulties as a result of Mrs Young's health problems, b) the tenant's stated intention to Quit the property in early course, c) the assurance from the landlord's agent that the outstanding work will be undertaken when the tenant vacates, and d) the outstanding repairs do not raise any public safety issues, the Committee hereby determine to REVOKE the RSEO and associated Notices to Vary.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: RSEO Revocations				
prhp/G44/102/10	146 Curtis Avenue, Glasgow, G44 4NP	13(1)(a)	11 Jul 2011	The Committee, having made such enquiries as it sees fit for the purpose of determining whether the landlords have complied with the RSEO in relation to the property concerned and taking full account of all the evidence provided by both the tenant and the landlords now determine that the RSEO should be revoked. The Committee noted that the tenant is satisfied that the major works to the property including the installation of new double glazed windows and to eradicate rot and prevent water ingress had been carried out. The Committee accordingly determined to treat the application as withdrawn and to revoke the RSEO. The Decision of the Committee was unanimous.
prhp/PA4/143/10	2/1, 3 Broadloan, Renfrew, PA4 0SA	13(1)(b)	1 Sep 2011	Given the circumstances of this case, the Committee is satisfied that the Landlord has made all reasonable attempts to carry out the works required by the Repairing Standard Enforcement Order. The Landlord has not been able to complete the works because of the actions of the tenant who has refused to allow access or has failed to make reasonable efforts to allow the Landlord to obtain access to carry out the necessary repairs. In all the circumstances, it is therefore appropriate that the Private Rented Housing Committee should revoke the Repairing Standard Enforcement Order dated 25 February 2011 and accordingly the Private Rented Housing Committee have issued a Certificate of Revocation of the Repairing Standard Enforcement Order.
prhp/ML1/177/10	167 Airbles Street, Motherwell, ML1 1UH	13(1)(a,b,c)	11 Jul 2011	The Committee, having made such enquiries as it sees fit for the purpose of determining whether the landlord has complied with the RSEO in relation to the property concerned and taking full account of all the evidence provided by both the tenant and the landlord now determine that the RSEO should be revoked. Accordingly the Committee has determined that a Certificate of Revocation should be issued in respect of said Order.
prhp/G12/7/11	0/2, 99 Queensborough Gardens, Glasgow, G12 9RY	13(1)(a,c,f)	23 Aug 2011	Thereafter the Landlord sent the PRHP an email dated 5 August 2011 enclosing a valid gas safety certificate and an invoice for installation of the mains wired smoke alarm. In view of the documentation produced the Committee agreed that the RSEO should be revoked in terms of section 25(1)(b) of the Housing (Scotland) (Act) 2006.
prhp/KA18/90/11	Watermill House, Glaisnock Road, Cumnock, KA18 4PJ	13(1)(a,d)	8 Aug 2011	On 2 nd August 2011 the Tenant sent the Clerk of the PRHP an email advising that the said works had been completed. In view of the terms of the email from the Tenant and the minor nature of the required works the Committee agreed that no further inspection was required and they also agreed that the RSEO should be revoked in terms of section 25(1)(b) of the Housing (Scotland) Act 2011.