

PRIVATE RENTED HOUSING PANEL

CASES DECIDED BY PRIVATE RENTED HOUSING COMMITTEE IN SCOTLAND July-September 2008

REFERENCE	ADDRESS	PREMISES	PREVIOUS RENT £	RO RENT Per annum £	RAC RENT per annum £	REMARKS	OBJECTOR
REGULATED TENANCIES							
Dumfries							
RAC/DG1/645 21 August 2008	G/F, 22 Academy Street, Dumfries, DG1 1BY	1 room, kitchen and bathroom.	£1,860.00	£2,160.00	£2,160.00	Ground floor tenement flat C.1900	Tenant
Edinburgh							
RAC/EH6/634 16 June 2008	3F2, 12 Lorne Street, Edinburgh, EH6 8QU	Sitting room, bedroom, kitchen/dining room, bathroom and separate w.c.	£2,886.00	£3,500.00	£3,200.00	Third floor flat in traditional 4 storey tenement corner block.	Tenant
Glasgow							
RAC/G42/642 23 July 2008	1/3, 11 Annandale Street, Glasgow, G42 7AJ	2 rooms, living kitchen and dark bathroom.	£2,253.96	£2,731.20	£3,300.00	First floor traditional tenement flat C.1900 with gas central heating.	Tenant
RAC/G52/635 16 July 2008	67 Baldovie Road, Glasgow	4 rooms, kitchenette and bathroom.	£3,620.00	£4,930.00	£5,300.00	Lower cottage flat within 2 storey block of 4 flats C.1930 with gas central heating, double glazing and relative garden ground.	Landlord
RAC/G11/641 1 July 2008	1/1, 12 Fairlie Park Drive, Glasgow, G11 7SR	1 room, living kitchen and bathroom	£2,200.00	£2,650.00	£2,700.00	First floor traditional tenement flat C.1890	Landlord
RAC/G11/640 1 July 2008	2/1, 56 Laurel Street, Glasgow, G11 7RD	1 room, living kitchen and bathroom	£1,500.00	£1,675.00	£1,675.00	Second floor traditional tenement flat C.1890.	Tenant
RAC/G3/638 1 July 2008	1/1, 32 Minerva Street, Glasgow, G3 8LD	3 rooms, living kitchen and bathroom	£2,750.00	£3,150.00	£4,500.00	First floor tenement flat C.1890	Landlord

REFERENCE	ADDRESS	PREMISES	PREVIOUS RENT £	RO RENT Per annum £	RAC RENT per annum £	REMARKS	OBJECTOR
Glasgow (continued)							
RAC/G20/646 1 September 2008	1/1, 2 Mingarry Street, Glasgow, G20 8NT	4 rooms, kitchen and bathroom.	£3,000.00	£3,800.00	5580.00	First floor traditional tenement flat C.1900, with gas entral heating	Landlord
RAC/G20/647 1 September 2008	3/2, 2 Mingarry Street, Glasgow, G20 8NT	3 rooms, kitchen and bathroom.	£2,800.00	£3,600.00	£4,800.00	Third floor traditional tenement flat C.1900, with partial double glazing.	Landlord
RAC/G52/636 16 July 2008	873 Mossspark Drive, Glasgow, G52 3BZ	4 rooms, kitchenette and bathroom.	£3,520.00	£4,930.00	£5,300.00	Lower cottage flat within 2 storey block of four flats C. 1930 with gas central heating and relative garden ground.	Landlord
RAC/G3/639 1 July 2008	3/2, 958 Sauchiehall Street, Glasgow	4 rooms, living kitchen and bathroom.	£2,850.00	£3,350.00	£4,700.00	Third floor traditional tenement flat C.1900 with gas central heating.	Landlord
RAC/G52/637 16 July 2008	59 Trinity Avenue, Glasgow, G52 3ES	4 rooms, kitchenette and bathroom.	£3,670.00	£4,930.00	£5,300.00	Lower cottage flat within 2 storey block of four flats C. 1930 with gas central heating and double glazing, and relative garden ground.	Landlord

REFERENCE	ADDRESS	PREMISES	PRESENT RENT per annum £	PROPOSED NEW RENT per annum £	RAC RENT per annum £	REMARKS
STATUTORY ASSURED TENANCIES						
Glasgow						
RAC/G52/A53 12 August 2008	52 innerwick Drive, Glasgow, G52 2HG	4 rooms, kitchenette and bathroom.	£5,700.00	£6,000.00	£5,200.00	Upper cottage flat within 2 storey block of four flats C.1930 with gas central heating and partial double glazing, and relative garden grounds.
Kirk Yetholm						
RAC/TD5/A52 8 August 2008	Clifton Cottage, High Street, Kirk Yetholm, TD5 8PH	GF: living room, dining area and kitchen. FF: 2 bedrooms and bathroom.	£4,62 0.00	£5,940.00	£4,620.00	One and a half storey terraced cottage C.1800 with oil-fired central heating and detached garage opposite on garden ground.

REFERENCE	ADDRESS	PREMISES	RENT £	RAC RENT £	REMARKS
SHORT ASSURED TENANCIES					
Colonsay					
RAC/PA61/SA35 7 August 2008	Craigoran Cottage, Isle of Colonsay, PA61 7YW	Semi-detached cottage C.1930 with electric heating comprising living room, 2 bedrooms, kitchen and bathroom.	£3,600.00	Non-determination	It was not established that the rent of £3,600 was significantly higher than the rent which the landlord might reasonably be expected to obtain under the tenancy.
Edinburgh					
RAC/EH6/S41 16 June 2008	2F1, 21 Dalmeny Street, Edinburgh, EH6 8PG	Second floor traditional tenement flat C.1900 with gas central heating comprising 2 rooms, bathroom and dark kitchen.	£5,400.00	Non-determination	The Private Rented Housing Committee did not make a determination when they considered the matter on 16 June 2008.

REFERENCE	ADDRESS	Repairing Standards applied under	Outcome	Details
REPAIRING STANDARD CASES				
Ardrossan				
prhp/AB24/15/08	16A Froghall Avenue, Aberdeen, AB24 3JJ	13(1)(a,c & e)	Complied	The Committee determined as follows:- The paintwork and furniture are of a reasonable standard and there is no breach of the repairing standard as regards s13(1)(e). The gas central heating meets the safety standard. The Landlord tells us the system has been bled and the radiators should now perform more effectively. We accept this work has been undertaken. We are satisfied there is no breach as regards s13(1) c. The dampness gave us considerable concerns. As stated above all rooms except the smallest bedroom registered dampness when objectively tested. Our surveyor member advised this dampness is as a result of condensation. While the cause of the condensation dampness in the property is not due to disrepair the statute sets the standard by reference to reasonableness of habitation thus works

				<p>may be required to make the house habitable which would not normally be termed repair work. The problem of condensation dampness can be alleviated if the property is properly ventilated. Any tenant has a common law duty to ensure the tenancy is 'aired and fired' . It was suggested by the landlord (although denied by the tenant) that ventilation was not carried out appropriately. We noted the only way to ventilate this flat would be to open the windows (which would be a 'tough call' during an Aberdeen winter) and we strongly recommend the Landlord to facilitate ventilation perhaps by providing dehumidifiers for general use and a humidistat controlled expel air system in the bathroom. After very careful consideration we determined that although there is evidence of some dampness, it was not, when inspected by us today, so severe as to render the property unfit for human habitation.</p> <p>On balance we are satisfied there is no breach of s13(1)(a) In reaching this decision the Committee have had regard to all the considerations required to be taken into account in terms of the Housing (Scotland) Act 2006.</p>
Dundee				
prhp/DD5/32/08	21 Fort Street, Broughty Ferry, Dundee, DD5 2AD		Complied	<p>In considering the repairing standard issue the Committee carried out an internal and external inspection of the house and in particular closely examined the repairs highlighted by the Tenant in her application. Inspection showed that the house was in a good state of repair and no obvious defects were noted by the Committee. Works appear to have been recently carried out on the property and the bathroom and kitchen are modern, carpets new, and the house is in a fresh decorative condition. The windows appear in a good state of repair and the house appears to be wind and watertight. There is no sign of any external defect which would be capable of allowing water to penetrate the structure. The gas and electrical installations are modern and from inspection appear to be in proper working order. There is a modern electric cooker, modern combination boiler and new radiators in the house, all of which appear to be in proper working order. The Committee are satisfied that the house is fit for human habitation. The Committee using its expert knowledge did not consider that there had been a failure by the Landlord to comply with the repairing standard laid down in Section 13(1) of the Act.</p>

REFERENCE	ADDRESS	Repairing Standards applied under	Outcome	Details
REPAIRING STANDARD CASES (continued)				
Glasgow				
prhp/G76/36/08	54 Riverside Road, Waterfoot, Glasgow, G76 0DG	13(1)(a&c)	Complied	The Committee reached its decision based on the evidence obtained by the Committee at the inspection on 4th August 2008. Mr. Mike Links, Surveyor member of the Committee inspected the area of alleged water penetration in the ground floor bedroom (front) with a damp meter and found no evidence of moisture. There was historic evidence of damp penetration in the ceiling of the bedroom (cracked plasterwork and staining). However, there was no evidence to indicate that the ingress was ongoing. The Committee visually inspected the front roof of the property and noticed two new tiles and evidence of a recent application of sealant near the first floor bathroom dormer window. The Committee asked the Tenant to operate the first floor landing light while the Committee observed that the light was fully operational.
Hamilton				
prhp/ML3/4/08	1/1, 8 John Street, Hamilton, ML3 7EU	13(1)(c & f)	Certificate of Completion	The Private Rented Housing Committee hereby certifies that the works required by the Repairing Standard Enforcement Order relative to the Property served on 31 July 2008 have been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the Property is discharged. [RSEO : the Private Rented Housing Committee requires the landlord:- (a) to carry out such works at the property as are necessary to comply with Section 13(f) of the Housing (Scotland) Act 2006 by the installation of a satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. The provisions of Section 13(5) of the said Act must be regarded in relation to the said installation.]
Kilmarnock				
prhp/KA3/11/07	78 Dean Street, Kilmarnock, KA3 1EL	13(1)(a & d)	Certificate of Completion	The Private Rented Housing Committee hereby certifies that the works required by the Repairing Standard Enforcement Order registered in the land Register of Scotland under Title number AYR56961 on 14 th May 2008 have been satisfactorily completed. Accordingly the said Repairing Standard Enforcement Order is hereby discharged. [RSEO : the Private Rented Housing Committee requires the landlord to carry out such repairs as are necessary to render the property wind and watertight.]