

PRIVATE RENTED HOUSING PANEL

CASES DECIDED BY PRIVATE RENTED HOUSING COMMITTEE IN SCOTLAND July - September 2009

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES						
RAC/G11/684 22 June 2009	3/3, 22 Gardner St Glasgow G11 5NG	Third floor traditional tenement flat on corner site circa 1900 comprising living room, one bedroom, kitchen and dark bathroom. The gross internal floor area is 54 sq. m.	£2,191.20	£2,652.00	£4,500.00	T
RAC/G42/686 3 July 2009	1/1, 10 Overdale Gdns Glasgow G42 9QQ	4 storey grey sandstone tenement C.1890, with internal floor space of 61 sq. m., comprising 2 rooms, living kitchen and bathroom.	£2,675.00	£3,275.00	£3,750.00	L
RAC/G42/687 3 July 2009	2/1, 10 Overdale Gdns Glasgow G42 9QQ	4 storey grey sandstone tenement C.1890, with Internal floor space of 61 sq. m., comprising 2 rooms, living kitchen and bathroom.	£2,675.00	£3,275.00	£3,750.00	L
RAC/G11/688 22 June 2009	2/1, 34 Chancellor St Glasgow G11 5RL	Second floor traditional tenement flat circa 1900 comprising living room, two bedrooms, kitchen and dark bathroom. The gross internal floor area is 67 sq. m.	£2,250.36	£2,737.44	£5,100.00	L
RAC/G12/689 24 August 2009	3/1, 179 Hyndland Rd Glasgow G12 9HT	Top floor traditional tenement flat circa 1900 comprising living room three bedrooms, dining kitchen and bathroom. Estimated gross internal floor area is 137 square metres.	£3,500.00	£6,000.00	£7,200.00	L
RAC/G12/690 24 August 2009	3/2, 179 Hyndland Rd Glasgow G12 9HT	Top floor traditional tenement flat circa 1900 comprising living room four bedrooms, dining kitchen and bathroom. Estimated gross internal floor area is 128 square metres.	£3,600.00	£6,250.00	£8,400.00	L

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES						
RAC/AB55/691 23 July 2009	1 Langstane Lane Keith AB55 5FJ	Self contained ground floor flat, within 2 storey block C 1900 (renovated 1984) double glazed & electric heating. Comprising lounge with kitchen open plan, bedroom and bathroom, with internal floor space 36sq.m. Services: Common TV aerial.	£1,850.00	£2,255.52	£3,000.00	T
RAC/G3/692 22 July 2009	1/3, 1172 Argyle Street Glasgow G3 8TE	Modernised first floor traditional tenement flat circa 1900 with double glazing and electric wet system central heating comprising living room one bedroom, kitchen and dark bathroom. Gross internal floor area is 56 metres square. Services: Door entry, communal t.v. aerial, close cleaning, backcourt maintenance, common electrics and association admin.	£2,307.00	£2,707.00	£4,200.00	L
RAC/G12/693 22 July 2009	18 Belmont Street Glasgow G12 8EY	Modern three storey townhouse built 1997 with double glazing and gas central heating comprising two public rooms, three double bedrooms, kitchen and two bathrooms. Gross internal floor area is 98 metres square. Services: Communal t.v. aerial, stair/window cleaning, communal garden/ backcourt maintenance, private garden fee, cyclical maintenance (roof inspection and servicing) and association admin.	£3,550.00	£4,150.00	£6,600.00 (Services of £336.53 pa)	L
RAC/G12/694 12 August 2009	1/2 5 Great George St Glasgow G12 8PD	First floor flat in a traditional tenement building C.1890, with internal floor area of 108 sq.m., comprising 5 rooms, dining kitchen and bathroom.	£3,750.00	£4,750.00	£9,000.00	L
RAC/G12/695 12 August 2009	M/D 1 Great George St Glasgow G12 8PD	Ground floor main door flat in a traditional tenement building C.1890, comprising 3 rooms, kitchen and bathroom.	£3,400.00	£4,200.00	£5,600.00	L
RAC/G12/696 12 August 2009	2/1, 166 Great George St Glasgow G12 8AJ	Second floor flat in traditional sandstone tenement building C1890, with a gross internal area of 61 sq. m., comprising 2 rooms, dark kitchen, scullery and dark bathroom.	£2,900.00	£4,100.00	£4,875.00	L

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES						
RAC/G12/697 12 August 2009	3/1, 166 Great George St Glasgow G12 8AJ	Second floor flat in traditional sandstone tenement building C1890, with a gross internal area of 61 sq. m., comprising 2 rooms, dark kitchen, scullery and dark bathroom.	£2,900.00	£4,100.00	£4,875.00	L
RAC/G11/698 12 August 2009	2/2, 18 Vine Street Glasgow G11 6BB	Second floor fiat in a traditional sandstone tenement building C. 1900 with internal floor area of 40 sq m, comprising 2 rooms, dark kitchen and bathroom.	£2,650.00	£3,250.00	£4,000.00	T
RAC/G20/699 14 August 2009	M/D 41 Crosbie Street Glasgow G20 0BQ	Unmodernised two storey semi detached house circa 1920 with double glazing comprising living room, two bedrooms, kitchen and bathroom. Gross floor area is 82 square metres	£2,900.00	£3,600.00	£4,000.00	T
RAC/G11/700 9 September 2009	3/1, 40 Apsley Street Glasgow G11 7SW	Third floor traditional tenement flat circa 1900 with gas central heating and double glazing comprising one room, kitchen and bathroom. Estimated gross internal floor area is 52 square metres.	£2,300.00	£2,650.00	£3,150.00	L
RAC/G41/701 9 September 2009	2/2, 188 Albert Drive Glasgow G41 2NH	Second floor traditional tenement flat circa 1900 with gas central heating comprising living room two bedrooms, dining kitchen and bathroom. Estimated gross internal floor area is 95 square metres.	£2,850.00	£3,420.00	£3,420.00	L

REFERENCE	ADDRESS	DESCRIPTION	PRESENT RENT per annum £	PROPOSED NEW RENT per annum £	PRHC RENT per annum £
ASSURED CASES					
RAC/PH1/A58 28 May 2009	Flat 3, 10 Scott Street, Perth, PH1 5EJ	1st Floor flat in a four storey tenement built C.1896, comprising 2 bedrooms, living room, kitchen and bathroom.	£2,952.00	£5,400.00	£4,500.00
RAC/G44/A59 21 August 2009	39 Kilchattan Dr, Glasgow, G44 4PZ	Lower cottage flat C.1930 with partial double glazing comprising 4 rooms, kitchenette and bathroom with relative garden grounds. Gross internal area is 69 square metres or thereby.	£4,680.00	£5,160.00	£5,040.00

REFERENCE	ADDRESS	DESCRIPTION	PRESENT RENT per annum £	PRHC DECISION per annum £
SHORT ASSURED CASES				
RAC/EH8/52 7 September 2009	1F, 50 Rankeillor Street, Edinburgh, EH8 9HZ	Living room, five bedrooms, kitchen, bathroom & wc. The Committee from its own experience, knowledge and information available on the internet and from local letting agents considered that comparable 5 bedroom rental properties in Edinburgh ranged from £1,4000.00 pcm to £1,900.00 pcm. Therefore, the Committee is satisfied there is a sufficient number of similar properties for let in the locality., as there is no significant difference in the level of the rents, the Committee is not permitted to make a determination under section34(1) and does not do so. The Application is accordingly dismissed.	£19,200	Non-determination

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: COMPLIED DECISIONS				
PRHP/EH3/13/09	13 Panmure Place Edinburgh EH3 9HP	13(1)(c)	15 June 09	The Committe continued the hearing for 10 days to allow the repairs to be completed. The Committee reinspected the property on the 15th of June 2009. The required work had been carried out to the fireplace. The Tenant, the Landlord and the Committee are satisfied it is now in a reasonable state of repair and proper working order. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act..
PRHP/KA11/14/09	42 Burns Crescent Irvine KA11 1AS	13(1)(a,b&c)	24 Jun 09	The Committee finds: <ul style="list-style-type: none"> • The defects to the Central heating and the external pipes have been repaired. • There was no evidence of flooding in the garden and the Tenant stated that the flooding issue had been resolved. The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.
PRHP/EH10/16/09	3 Braidburn Terrace Edinburgh EH10 6EU	13(1)(a,c&d)	15 Jun 09	The Committee found that the landlords had addressed and resolved a number of the issues raised by the tenants in their application. The Committee found that the Repairing Standard had been met. Given that Mr Watt accepted that the other issues detailed in the application had now been addressed, the Committee concluded that the Repairing Standard had been met.
PRHP/G31/21/09	0/1 135 Meadowpark Street Glasgow G31 2SY	13(1)(c&f)	29 Jun 09	The tenant confirmed most of her complaints had been rectified. The outstanding matters related to the draught in the bedroom and the hot water. The hot water was now working but not efficiently. The landlord undertook to block off the draught in the bedroom and to attend to the water heater. He indicated these repairs could be effected on the 1st of July 2009 provided his tradesmen could gain access to the property. After hearing parties Committee resolved to continue the hearing to allow these outstanding matters to be completed. By electronic communication dated 6th August 2009 the tenant confirmed all work had been carried out. The Committee accordingly determined that the landlords have complied with their duty in terms of s14 of the Act .

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: COMPLIED DECISIONS (continued)				
PRHP/AB15/37/09	3 Provost Graham Avenue Aberdeen AB15 8HB	13(1)(a,b,c,&d)	16 Jul 09	<p>The Committee finds:-</p> <p>a. The slight mould they saw in the Property was insufficient to result in the Property not being wind and water tight and reasonably fit for human habitation.</p> <p>b. The central heating system appeared to be in a reasonable state of repair and proper working order. The Committee witnessed the system working and examined the Safety Certificate for the system.</p> <p>c. The obligation on the Landlords in relation to insulation of the Property is to ensure that the Property is wind tight and reasonably fit for habitation. The Committee noted that there was insulation present in the eaves of the Property and there were no recommendation within the Energy Performance Certificate to improve the insulation. Therefore the Committee were satisfied that that the level of insulation in the Property does not prevent the Property from being wind tight and reasonably fit for habitation.</p> <p>d. The Committee made no determination regarding the washing machine as the Tenants withdrew this part of their application.</p> <p>e. The Committee did not find smoke odours in the Property at the time of the inspection, although they acknowledged that the Tenant had advised that the odours existed in the early evening. The Committee agreed that the presence of smoke odours in the Property alone would not result in the Property failing to meet the Repairing Standard.</p> <p>The Committee accordingly determined that the Landlord had not failed to comply with the duty imposed by Section 14 (1)(b) of the Act.</p>
PRHP/G12/39/09	68 0/1 Balcarres Avenue Glasgow G12 0QG	13(1)a,b,&c)	08 Jul 09	<p>The Committee found that whilst there was evidence to suggest that the Repairing Standard had not previously been met during the course of the tenancy of the Tenant's occupancy of the Property, the Landlords had addressed and resolved all issues raised by the Tenant in her application. The Committee accordingly found that the Repairing Standard had been met.</p>

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: COMPLIED DECISIONS (continued)				
PRHP/PA35/42/09	2 Brenva Cottage Taynult PA35 1JW	13(1)(c&f)	20 Aug 09	<p>The Committee finds:-</p> <ul style="list-style-type: none"> • The water supply had been upgraded and the supply tested by the Environmental Health department who confirmed that the supply had passed. Section 13(3)(b) of the Housing (Scotland) Act 2006 requires the Committee to have regard to the locality in which the Property is situated when considering if it meets the Repairing Standard. The Committee acknowledged that the straw colour of the water was a result of the location of the Property and did not result in the water installations failing to be in a reasonable state of repair or proper working order. • There were no smoke alarms in the Property at the date of the inspection. On 21 August 2009 Paul Nicol, the Landlord's agent, telephoned the Clerk of the Committee to confirm that battery operated smoke alarms had been installed. He advised the Clerk that he would arrange for an electrician to install a hard wired smoke alarm. Approximately ten days later he confirmed to the Clerk that the hardwired smoke alarm had been installed. The Tenant confirmed this to the Clerk on 14 September 2009. Therefore the Committee determined that the Property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. <p>The Committee accordingly determined that the Landlord had not failed to comply with the duty Imposed by Section 14 (1)(b) of the Act.</p>
PRHP/AB11/68/08	18 Howburn Place Aberdeen AB11 6XX	13(1)(a,d&e)	16 Jul 09	<p>At the re- inspection, it was noted that:-</p> <ul style="list-style-type: none"> • A new mains powered smoke alarm had been fitted to the ceiling within the entrance hallway of the property; • An extractor fan had been fitted to the kitchen window with an accessible pull cord switch; • No unpleasant odour could be detected; • The cable on the <i>electric</i> fire had been refitted thus restoring the fire to a reasonable state of repair <i>and</i> proper working order; • The 60 watt bulbs in the bedside lamps had been replaced by 40 watt bulbs. <p>The Committee accordingly determined that the landlord had complied with the duty imposed by section 14(1)(b) of the Housing (Scotland) Act 2006</p>

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS				
PRHP/G67/27/07	42 Glenhove Road Cumbernauld G67 2JZ	13(1)(c)	04 Sep 09	The Committee, having inspected the Property, and having noted the work carried out by the Landlord now certify that the work required by both RSEOs issued in respect of the Property has been completed. In the circumstances the Committee determined to issue a Certificate of Completion in respect of each of the RSEOs previously granted in respect of the Property and have further determined to revoke the Rent Relief Order previously granted by the Committee on 3 rd September 2008.
PRHP/PH6/9/08	FindoGlen House St Fillans Perthshire PH6 2NN		06 Jul 09	The Committee accordingly consider that Conditions c and f of the Repairing Standard Enforcement Order have now been met. The Committee is accordingly satisfied that all the works required by the Repairing Standard Enforcement Order have been satisfactorily carried out. Accordingly the Committee decided to grant a Certificate of Completion.
PRHP/EH11/31/08	Flat 19/9 Wardlaw Place Edinburgh EH11 1UD	13(1)(a,c&d)	22 Sep 09	The Committee re-inspected the Property on 21 January 2009 but found that the Repairing Standard Enforcement Order had not been complied with. A further re-inspection was held on 1 July 2009 and on this occasion the Committee was satisfied that appropriate remedial works had been carried out. The Committee was satisfied that the work required by the Repairing Standard Enforcement Order of 16 September 2008 relative to the Property had been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the Property was discharged.
PRHP/KA3/39/08	2 Onthank Drive Kilmarnock KA3 2AY	13(1)(a&c)	06 Jul 09	On 17 th November 2008 Mr Michael Links FRICS, surveyor member of the Committee inspected the property and reported to the Committee that the central heating system had been satisfactorily repaired. On 14 th May 2009 Mr Links inspected the property and reported that the defective locking mechanism of the front door had been satisfactorily repaired. On 19 th June 2009 Mr Links reinspected the property and reported that the double glazing window units had been satisfactorily repaired. Thereafter the Committee agreed that the works required by the RSEO had been completed and the appropriate Certificate of Completion in terms of Section 60 Housing (Scotland) Act 2006 should be issued.
PRHP/KA19/42/08	SVGCA Cottage Culzean Castle Maybole KA19 8JX	13(1)(a,b,c,d,& f)	30 Jul 09	The Committee noted that the items (a) to (h) inclusive detailed in the said Repairing Standard Enforcement Order had been completed as required and damage caused thereby has been made good. It was noted that the Landlord's agent indicated that any snagging faults caused by the extensive works would be rectified. The Committee is satisfied that all works required by the RSEO have been satisfactorily carried out. Accordingly, the Committee decided to grant a Certificate of Completion.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)				
PRHP/AB35/48/08	Clachanturn Crathie Ballater AB35 5TA	13(1)(a,b&c)	22 Jul 09	The Committee noted that the items (a) to (c) inclusive detailed in the said Repairing Standard Enforcement Order had been completed as required and any damage caused thereby has been made good. Tthe Committee is satisfied that all works required by the RSEO have been satisfactorily carried out and have decided to grant a Certificate of Completion.
PRHP/AB11/67/08	3 Baxter Court Aberdeen AB11 8LG	13(1)(a&d)	07 Sep 09	On inspection, it was noted that: • New upvc framed, double glazed windows had been fitted to the kitchen and bathroom • These new windows could be opened and closed with ease • An extractor fan had been fitted to the kitchen ceiling above the cooker • The bedroom and bathroom doors could be opened and closed with ease and draft proofing strips had been fitted. Having considered the matter, the Committee was satisfied that all works required by the RSEO had been satisfactorily carried out. The Committee therefore proceeded to grant a Certificate of completion.
PRHP/EH6/80/08	98/1 Newhaven Road Edinburgh EH6 4BS	13(1)(c,d&f)	30 Aug 09	The Committee having considered the terms of Mr Mowatt's report are satisfied that all necessary works required by the RSEO have been completed and now certify that the work has been so completed. In the circumstances the Committee determined to issue a Certificate of Completion in respect of the Property and have determined to revoke the Rent Relief Order previously granted by the Committee on 14 July 2009.
PRHP/EH10/106/08	36 Auchingane Edinburgh EH10 7HX	13(1)(a,b,c,d,e &f)	18 Sep 09	Upon conclusion of the Hearing the Committee considered the position in this case. The Tenants had moved out and the new tenant had received the Property in a generally appropriate condition. The Committee noted and accepted, notwithstanding the Agents view of the Committee to the contrary, that the Agent and the Landlord had made an effort to carry out the bulk of the works following upon the serving of the RSEO. Whilst the toilet may still flush poorly the Committee were of the view that this was a minor matter, possibly a temporary one, and that there are three other toilets within the Property that do work properly. In relation to the sliding door, the Committee accepted that the Agent had taken further remedial steps and would continue to monitor the position. Overall, in relation to the Property, the Committee were satisfied that due regard was now being had to the repairing standard by both Agent and Landlord. For these reasons the Committee did not propose to grant a Rent Relief Order in this case. Further the Committee decided that, as all material works required by the RSEO had now been satisfactorily carried out, the pUBLIC interest would not be served by the matter continuing any further and accordingly the Committee decided to grant a Certificate of Completion.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS(continued)				
PRHP/FK10/107/08	3 Lochbrae Sauchie FK10 3HG	13(1)(a,b,c,d,f)	07 Sep 09	The Committee noted that: • The radiator in the front Bedroom has been replaced and was found to be operational. • The hinges in each of the Kitchen windows and the Lounge were inspected and appear to have been satisfactorily repaired. Each window was opened and closed and found to be fully functional. 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/KA11/108/08	30 Lewis Terrace Irvine KA11 1HJ	13(1)(b)	24 Aug 09	A re-convened Hearing was held on 17 August 2009 at 10.00am. Immediately prior to commencing this Hearing the Committee inspected the Property. Having done so, the Committee noted that works had been completed to remedy the defects detailed in the Repairing Standard Enforcement Order. The Committee determined that the landlords had complied with Repairing Standard Enforcement Order and had complied with the duty imposed by section 14(1)(b) of the Act.
PRHP/DD5/112/08	176 King Street Dundee DD5 2AY	13(1)(b&c)	14 Sep 09	The Committee's surveyor confirmed: the velux window in the smaller bedroom had been repaired; the roof skylight had been repaired; a hardwired smoke detector had been linked to both floor levels; and the front step had been repaired. On the basis of the foregoing evidence the Committee is satisfied that all works required by the RSEO have been carried out Accordingly the Committee hereby grants a Certificate of Completion.
PRHP/EH11/113/08	51/11 James Square Edinburgh EH11 2AQ	13(1)©	07 Aug 09	The Committee noted that: • The Surveying Member tested the hot water supply to the kitchen sink and it was found to be in order. • The current Tenants advised that contractors had attended approximately 2 weeks prior to the reinspection and had repaired or replaced the immersion heater. They expressed themselves fully satisfied with the supply of hot water. 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/KY7/27/09	32 Carleton Crescent Glenrothes KY7 5AN	13(1)(a,c&d)	07 Aug 09	The Committee noted that: • The windows in each of the bedrooms were inspected and the opening central hoppers appear to have been satisfactorily repaired. • New hinges have been fitted to the opening sections and various handles and catches have also been replaced. • Although not included in the order it was pointed out to the Committee that the Lounge window had also been repaired. 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.