

PRIVATE RENTED HOUSING PANEL

CASES DECIDED BY PRIVATE RENTED HOUSING COMMITTEE IN SCOTLAND October - December 2009

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
REGULATED CASES						
RAC/G81/702 15 Sep 2009	Flat 7, Ban Accord Square, Clydebank, G81 1YW	Ground floor well maintained tenement flat built circa 1990 with double glazing and central heating. Comprising two bedrooms, living room, kitchen and bathroom. Residents parking. Floor area 68 square metres or thereby	£2,640.35	£3,074.00	£4,800.00	T
RAC/DG1/703 11 Sep 2009	86 The Grove, Heath Hall, Dumfries, DG1 1IW	Two storey semi detached house circa 1940 with double glazing comprising on ground floor, living room, dining room and kitchen. On upper level, three bedrooms and bathroom. There is gardens to front and paved areas to side and rear of property. Gross floor area 81.5 square metres.	£2900.00	£3480.00	£3780.00	T
RAC/G3/704 15 Sep 2009	2/1,4 Derby Street, Glasgow,G3 7TJ	Second Floor Flat (uninspected) in traditional tenement built circa 1900 in mixed residential/commercial use, comprising 3 rooms, kitchen and bathroom. Double glazing. Floor area unknown.	£1800.00	£2900.00	£5400.00	L
RAC/G3/705 15 Sep 2009	0/1,4 Derby Street, Glasgow, G3 7TJ	Ground Floor flat in traditional tenement block built circa 1900 in mixed residential/commercial use, comprising three bedrooms, living kitchen and bathroom. Double glazing. Floor area 102 square metres or thereby	£1900.00	£3000.00	£6000.00	L
RAC/G20/706 15 Sep 2009	Flat 2 R,115 Oran Street, Glasgow, G20 8LS	Second floor traditional tenement flat built circa 1900 comprising living room with kitchenette, two bedrooms and bathroom in need of upgrading. Central heating provided under Government Scheme. Floor area 52 square metres or thereby	£2458.00	£3600.00	£2800.00	L
RAC/EH8/707 16 Oct 2009	PF1,130 Buccleuch Street, Edinburgh, EH8 9NQ	Ground floor flat in five storey traditional tenement built pre 1890 comprising living room with small boxroom off ,two bedrooms, large kitchen and bathroom. Generally unimproved.	£2950.00	£3250.00	£3180.00	T

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
RAC/EH12/708 9 Oct 2009	1F2,28 Roseburn Street, Edinburgh, EH12 5PR	Traditional tenement flat comprising kitchen/living room, bedroom with boxroom off, bathroom and communal drying green. Floor area 44 square metres or thereby	£2600.00	£3120.00	£3900.00	T
RAC/EH12/709 9 Oct 2009	3F3, 28 Roseburn Street, Edinburgh, EH12 5PR	Traditional tenement flat comprising kitchen/living room, bedroom with boxroom off, bathroom and communal drying green. Floor area 46.4 square metres or thereby	£2600.00	£3120.00	£3900.00	T
RAC/EH12/710 9 Oct 2009	3F1,36 Roseburn Street, Edinburgh, EH12 5PN	Traditional tenement flat comprising kitchen/living room, bedroom with boxroom off, bathroom and communal drying green. Floor area 46.4 square metres or thereby	£2600.00	£3120.00	£3900.00	T
RAC/AB55/711 22 Oct 2009	6 Nelson Terrace, Keith, AB55 5EE	2 bedroom property on ground and first floor level (being part of larger subjects owned by the tenant) Floor area 42 square metres or thereby	£500.00	£530.00	£600.00	L
RAC/G21/711a 29 Oct 2009	M/D,21 Edgefauld Place, Glasgow, G21 4UG	Main door tenement flat circa 1900 comprising three rooms dining kitchen and bathroom.	£3250.00	£3250.00	£4000.00	L
RAC/EH9/712a 30 Oct 2009	1F2, 94 Causeyside, Edinburgh, EH9 1PU	1st floor tenement flat built 1907 with gas central heating comprising 3 rooms, dark kitchen and shower room. Floor area 62 square metres or thereby.	£3100.00	£4000.00	£4800.00	L
RAC/G21/713 29 Oct 2009	2/R, 2 Kennoway Drive, Glasgow, G11 7UB	Traditional second floor tenement flat circa 1900 comprising one room, living kitchen and bathroom.	£2200.00	£3450.00	£3200.00	T

REFERENCE	ADDRESS	DESCRIPTION	PRESENT RENT per annum £	PROPOSED NEW RENT per annum £	PRHC RENT per annum £
ASSURED CASES					
RAC/EH10/A60 30 October 2009	2F2, 39 Jordan Lane, Edinburgh, EH10 4QY	Second floor tenement flat C.1900 comprising 2 rooms, kitchenette, bathroom and utility room. The gross internal floor area is 58 sq.m.	£5,520.00	£6,720.00	£6,120.00
RAC/DD1/A61 9 November 2009	R/2/1. 48 Union Street, Dundee, DD1 4BE	Second floor tenement flat above commercial property circa 1900, dated internally and comprising three rooms, living kitchen and bathroom. Gross internal floor area is 54 square metres.	£3,500.00	£4,500.00	£4,230.00

REFERENCE	ADDRESS	DESCRIPTION	PRESENT RENT per annum £	PRHC DECISION per annum £
SHORT ASSURED CASES				
RAC/DD4/S53 1 December 2009	13 Barns of Wedderburn, Duntrune, by Dundee, DD4 0PG	Non-standard construction terraced bungalow comprising 3 rooms, kitchen and bathroom. In relation to paragraph (b) above, the Committee were of the view that the current market rent for a well decorated two-bedroom terraced property in a semi-rural location of the size and type of the Property would be around £450 per calendar month. The Committee did, however, note that the Tenants had carried out a lot of redecoration and other works at the Property and that without the benefit of these the rent achievable for the Property would be less. The Committee applied a deduction of £40 per calendar month to the monthly rental of the Property as a result. Further, the Committee considered that the overall low quality of the windows and the excessive condensation within the Property would act to further decrease the rent that could be achieved. The Committee applied a further discount of £20 per calendar month. Accordingly the Committee felt that an appropriate rent for the Property was in the region of the £390 per month sought by the Landlord. Accordingly the Committee were of the view that the criteria in paragraph (b) above had not been met as the rent sought by the Landlord was appropriate and accordingly the Committee made no determination of the rent for the property.	4,680.00	Non-determination

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: COMPLIED DECISIONS				
PRHP/PA1/105/08	1/2, 1 Townhead Terrace, Paisley, PA1 2AU	13(1)(b,c,d &f)	4 Nov 09	The Committee finds (1) The leak to the bathroom ceiling had been satisfactorily repaired, (2) The central heating boiler was in proper working order and (3) The smoke alarm was also in 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/DG7/3/09	2 Allangibbon Cottages, Castle Douglas, DG7 3SR	13(1)(a,b,c, d,e&f)	24 Sep 09	The complaint before the Committee as per the tenant's application and our determinations in relation to this are as follows; (a) House has no heating upstairs: Since the tenant ceased occupation in the property the landlord has extended the central heating upstairs and there is now a radiator in each of the upstairs rooms. The landlord advised the Committee that this is in working order. Therefore, the Committee determines that the central heating system is in a reasonable state of repair and proper working order. (b) Windows are single glazed and are rotten: The windows are single glazed, but were recently painted and show no evidence of rot. Therefore, the Committee determines that the property is wind and water tight and reasonably fit for human habitation. (c) Windows and doors are draughty and have gaps in them: The Committee did not see any evidence of this and therefore determines that the property is wind and water tight and reasonably fit for human habitation. (d) The walls are damp: The Committee observed some damp in the second bedroom and also in the walk in cupboard upstairs, but considered this minor and insufficient to result in a determination that the property was not wind and water tight and reasonably fit for human habitation. Therefore, the Committee determines that the property is wind and water tight and reasonably fit for human habitation. (e) Gutters blocked and broken: The Committee did not see any evidence of this and therefore determines that the gutters are in a reasonable state of repair and in proper working order. (f) Radiators are rusty and leaking: The Committee did not see any evidence of this and therefore determines that the radiators are in a reasonable state of repair and in proper working order. (g) No insulation in the house: As regards insulation, the obligation incumbent upon the landlord is to ensure that the property is wind and water tight and reasonably fit for human habitation. There is no evidence to suggest to the contrary and therefore the Committee determines that the property is wind and water tight and reasonably fit for human habitation. (h) Carpets that were ripped where full of excrement and urine and were ripped There were no carpets in any part of the property. Therefore the Committee makes no determination in relation to this matter. (i) Fire alarms broken: There were two mains fire alarms in the property in the entrance hall and upstairs hall. Both fire alarms worked on testing by the Committee. Therefore the Committee determines that the property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. (j) Floor boards uneven and are in a state: The Committee did not see any evidence of this and therefore determines that the floor boards are in a reasonable state of repair and in proper working order. (k) Fire is broken: The Committee did not see any evidence of this and were advised by the landlord that this was in working order and therefore determines that the fire is in a reasonable state of repair and in proper working order. 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.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: COMPLIED DECISIONS				
PRHP/PA2/65/09	20 Bardrain Road, Paisley, PA2 8LD	13(1)(c)	24 Sep 09	The issues to be determined are whether the defects 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 the central heating boiler does not provide hot water when it is operating at a low setting. The Committee finds that the boiler in the Property does heat the radiators and does provide hot water. They acknowledged that the Tenant was unable to obtain both hot water and heating when the boiler was on a low setting. They accepted the Landlord's explanation that the indirect system means that it is not possible to heat a tank full of hot water from cold when the boiler is on a low setting. Therefore committee decided that the central heating boiler is in a reasonable state of repair and it is in proper working order.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS				
PRHP/DG8/24/08	Corsehead Farm, Glenluce, Newton Stewart, DG8 0JF	13(1)(a,b,c,d)	14 Dec 09	The Committee having heard from the Tenants that they were 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 the Committee have determined to issue a Certificate of Completion in respect of the Property.
PRHP/FK17/58/08	70 Main Street Callander, FK17 8BD	13(1)(a,b,c,d & f)	16 Nov 09	The Committee's surveyor member reported that all work required in terms of the RSEO had been completed. Having made proper inquiry and being satisfied the terms of the RSEO have been obtempered the Committee grant a Certificate of Completion.
PRHP/g67/91/08	6C Tarbolton Road, Cumbernauld, G67 2AH	13(1)(c,d&e)	14 Dec 09	The Private Rented Housing Committee's surveyor member re-inspected the above property on 5th November 2009 to ascertain whether the work required in terms of a Repairing Standard Enforcement Order dated 9th March 2009 had been carried out. At that time repairs required to the wardrobe doors were outstanding. All other work had been completed. A faxed invoice for the repairs to the wardrobe doors was received by the Committee on 14th December 2009. Having perused and considered the terms of the invoice the Committee is satisfied the work has now been completed. Accordingly the Committee is satisfied all works required by the

RSEO have been carried out and hereby grants a Certificate of Completion.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS				
PRHP/AB41/94/08	1 Cassiegills Cottage, Ellon, Aberdeenshire, AB41 8QS	13(1)(b&c)	20 Oct 09	The surveyor member of the Private Rented Housing Committee re-inspected the property on 20 October 2009 in order to ascertain whether the work required by the Repairing Standard Enforcement Order served on 12 February 2009 had been completed. The Committee noted that the works detailed in the said Repairing Standard Enforcement Order (RSEO), as varied, had been completed and any damage caused thereby has been made good. Further, 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.
PRHP/DD5/11/09	5a Castle Terrace, Broughty Ferry, Dundee DD5 2EG	13(1)(a,b,c&d)	3 Nov 09	The property was re-inspected by the Private Rented Housing Committee's surveyor member on two occasions in order to ascertain whether the work required by the Repairing Standard Enforcement Order served on 6th July 2009 had been completed. The landlord and tenant were both present at the first re-inspection however only the tenant attended the final inspection. The Committee's surveyor member reported that all work required by the RSEO had been carried out. He advised the tenant had further issues regarding the property but none of these issues related to the original application or the terms of the RSEO. Accordingly the Committee was satisfied that all works required by the RSEO had been carried out to an acceptable standard and decided to grant a Certificate of Completion.
PRHP/KY8/33/09	47 Factory Road, Buckhaven, KY8 1BB	13(1)(c,d)	23 Oct 09	Reference is made to the Determination of the Committee dated 23 September 2009 which decided that an extension of the period for the completion of works detailed in the Repairing Standard Enforcement Order (RSEO) dated 20 July 2009 and served on 22 July 2009 should be given. Accordingly, the RSEO was varied in terms of Sections 25(2) and (3) of the Housing (Scotland) Act 2006. The variation provided for a further 21 days to complete the works and for the Landlord to produce to the Private Rented Housing Panel a satisfactory Periodic Inspection Report from a qualified electrician and evidence in writing of the replacement of the wardrobe door. That evidence having now been produced, 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				
PRHP/DD5/32/09	70 Church Street, Dundee, DD5 1HD	13(1)(a,b&c)	29 Oct 09	The Committee re-inspected the Property on 29 October 2009 and were satisfied that appropriate remedial work had been carried out. The Committee were satisfied that the works required by the Repairing Standard Enforcement Order of 16 September 2009 relative to the Property had been completed to a satisfactory standard. The Repairing Standard was met and consequently the Repairing Standard Enforcement Order is discharged.
PRHP/KY3/40/09	8 Mid Road, Fife, KY3 9UY	13(1)(c)	23 Nov 09	The Committee noted that: (a) The handrail to the staircase has been refitted. (b) The original gas fire with back boiler in the lounge has been replaced with a new gas fire and a separate boiler in the kitchen. New radiators have been installed. A copy of the necessary Gas Safety Certificate had been requested and was subsequently provided. (4) The Surveyor was satisfied that all works required by the RSEO have been satisfactorily carried out. Accordingly the Committee decided to grant a Certificate of Completion.
PRHP/PA1/56/09	19/1 Crossflat Crescent Paisley, PA1 1PN	13(1)(b&c)	7 Dec 09	On 7th December 2009 the Surveyor Member of the Committee carried out a further inspection of the Property for the purposes of ascertaining whether the said repairs required by the RSEO had been completed. At the time of his inspection the Tenant was present. The Landlords did not attend the inspection. The Surveyor Member found that all repairs required in terms of the RSEO had been completed to a reasonable standard. The Committee 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 have determined to issue a Certificate of Completion in respect of the Property.