

# PRIVATE RENTED HOUSING PANEL

## CASES DECIDED BY PRIVATE RENTED HOUSING COMMITTEE IN SCOTLAND October - December 2010

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
<b>REGULATED CASES</b>						
RAC/PA16/769  21 Sep 2010	1/2, 30 Newton St, Greenock, PA16 8SL	Third floor and attic traditional tenement flat circa 1900 with gas central heating comprising on the first level, living room two bedrooms, dining kitchen and wc. Attic level comprises three bedrooms and bathroom.	£2,500.00	£3,025.00	£4,100.00	Landlord
RAC/PA16/770  29 Sep 2010	G/L, 46 Finnart St, Greenock, PA16 8HE	Ground floor traditional tenement fiat circa 1890 with electric storage heating and double glazing comprising living room, two bedrooms, dining kitchen and dark bathroom, Gross floor area - 88 square metres,	£2,600.10	£3,094.20	£4,900.00	Landlord
RAC/PA16/771  29 Sep 2010	1/L, 46 Finnart St, Greenock, PA16 8HE	First floor traditional tenement flat circa 1890 with electric storage heating and double glazing comprising living room, two bedrooms, dining kitchen and dark bathroom. Gross floor area - 88 square metres.	£2,576.00	£3,014.00	£4,900.00	Landlord
RAC/PA16/772  29 Sep 2010	1/R, 46 Finnart St, Greenock, PA16 8HE	First floor traditional tenement flat circa 1890 with electric storage heating and double glazing comprising living room, one bedroom, dining kitchen and dark bathroom. Gross floor area - 57 square metres.	£2,300.10	£2,748.96	£3,600.00	Landlord
RAC/PA16/773  29 Sep 2010	G/L, 48 Finnart St, Greenock, PA16 8HE	Ground floor traditional tenement flat circa 1890 with electric storage heating and double giazing comprising living room, two bedrooms, dining kitchen and dark bathroom. Gross floor area - 88 square metres.	£2,576.00	£3,014.00	£4,900.00	Landlord
RAC/PA16/774  29 Sep 2010	2/R, 48 Finnart St, Greenock, PA16 8HE	Second floor traditional tenement flat circa 1890 with electric storage heating and double glazing comprising living room, one bedroom, dining kitchen and dark bathroom. Gross floor area - 57 square metres.	£2,284.00	£2,672.00	£3,600.00	Landlord
RAC/PA16/775  29 Sep 2010	G/L, 50 Finnart St, Greenock, PA16 8HE	Ground floor traditional tenement flat circa 1890 with electric storage heating and double glazing comprising living room, two bedrooms, dining kitchen and dark bathroom. Gross floor area - 88 square metres.	£2,600.10	£3,094.20	£4,900.00	Landlord

REFERENCE	ADDRESS	DESCRIPTION	PREVIOUS RENT Per annum £	RO RENT Per annum £	PRHC RENT per annum £	OBJECTOR
<b>REGULATED CASES (continued)</b>						
RAC/PA16/776 29 Sep 2010	1/R, 50 Finnart St, Greenock, PA16 8HE	First floor traditional tenement flat circa 1890 with electric storage heating and double glazing comprising living room, one bedroom, dining kitchen and dark bathroom. Gross floor area - 57 square metres.	£2,284.00	£2,672.00	£3,600.00	Landlord
RAC/PA16/777 29 Sep 2010	2/L, 5 Newton St, Greenock, PA16 8HE	Second floor traditional tenement flat circa 1890 with gas central heating and double glazing comprising living room with open plan kitchen, two bedrooms, and dark bathroom. Gross floor area - 57 square metres.	£2,457.48	£2,970.84	£3,900.00	Landlord
RAC/PA16/778 29 Sep 2010	2/R, 5 Newton St, Greenock, PA16 8HE	Second floor traditional tenement flat circa 1890 with gas central heating and double glazing comprising living room with open plan kitchen, two bedrooms, and dark bathroom. Gross floor area - 57 square metres.	£2,457.48	£2,970.84	£3,900.00	Landlord
RAC/G84/780 6 Oct 2010	2/L, 100 West Princes St, Helensburgh, G84 8XD	Second floor traditional tenement flat circa 1900 comprising two rooms, living kitchen, scullery and bathroom.	£2,000.00	£2,550.00	£3,600.00	Landlord
RAC/G31/781 19 Nov 2010	3/1, 590 Alexandra Parade, Glasgow, G31 3BS	Third floor traditional tenement flat circa 1900 with single glazing and gas central heating comprising two rooms, living kitchen and bathroom. Gross internal floor area - 78 square metres	£2,290.00	£2,820.00	£3,600.00	Landlord
RAC/G51/783 22 Nov 2010	0/2, 42 Clifford Street, Glasgow, G51 1PA	Ground floor flat In 3 storey grey sandstone tenement C.1880, comprising 3 rooms, living kitchen and bathroom. Gross internal floor area Is 85 sq. m.	£2,750.00	£3,250.00	£4,600.00	Landlord

REFERENCE	ADDRESS	DESCRIPTION	PRESENT RENT per annum £	PROPOSED NEW RENT per annum £	PRHC RENT per annum £
<b>ASSURED CASES</b>					
RAC/DD5/A68 4 Oct 2010	14 Bridge Street, Barnhill, Dundee, DD5 2SY	First floor flat in two storey four in a block property circa 1920 with gas central heating and double glazing comprising entrance stair, hall, living room, two bedrooms, kitchen and bathroom. Gross internal floor area - 77 square metres.	£4,800.00	£6,480.00	£6,000.00
RAC/G31/A69 15 Nov 2010	0/1, 6 Circus Drive, Dennistoun, G31 2JH	Ground floor flat in 3 storey traditional sandstone tenement C.1890, comprising living room, small bedroom, dining kitchen and bathroom. Gross internal floor area is 66 sq. m.	£3,000.00	£3,600.00	£3,250.00
RAC/DD1/A70 5 Nov 2010	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 = 54 square metres.	£4,230.00	£5,000.00	£4,230.00

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
<b>REPAIRING STANDARD: COMPLIED DECISIONS</b>				
prhp/G82/93/10	2 Hazel Avenue, Dumbarton, G82 5BW	13(1)(a,b,f)	21 Sep 10	<p>The Committee had carefully inspected the property and could find no evidence to support any of the allegations made by or on behalf of the tenants. The tenants were not present during the inspection. At the inspection, the property was in a state of repair which more than met the Repairing Standard.</p> <p>The decision of the Committee was unanimous to dismiss the application</p>
prhp/G75/96/10	55 Riccarton, East Kilbride, G75 9BX	13(1)(a,d)	6 Oct 2010	<p>The Committee determined that on the date of the inspection, the landlord had failed to comply with the duty imposed by Section 14 (1) (b) of the Act in that the tumble dryer was not in a reasonable state of repair or in proper working order. However the Committee was satisfied that all the other issues raised by the tenant in her application had been remedied and that the Repairing Standard had been met.</p> <p>The Committee noted that the defect in the tumble dryer was of a relatively minor nature. Moreover the landlord's representatives accepted at the Hearing that the tumble dryer was not in proper working order and advised that appropriate action would be taken to remedy this defect. On 6 October 2010 the PRHP office received a copy of a document which confirmed that new bearings and a door lock had been supplied and fitted to the tumble dryer.</p> <p>In all these circumstances the Committee was satisfied that the Repairing Standard was met as of 6 October 2010.</p>

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
<b>REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS</b>				
prhp/DD/1/44/08	1 Westfield Avenue, Dundee, DD1 4JT	13(1)(a,c)	22 dec 10	<p>On 2 August 2010, the Landlord sent in a Report from an electrician but the Report had the incorrect address and no details were provided by the Landlord in connection with the qualifications of the electrician who provided the Report. A letter was sent to the Landlord on 14 September 2010 asking that these two matters be addressed. No response was received and a reminder was sent on 12 October 2010.</p> <p>On 30 November 2010, the Landlord provided a new Report which had the correct address of the property and did provide details of the electrician's qualifications.</p> <p>In the circumstances the Committee decided that as at 30 November 2010 the Landlord had complied with all aspects of the Repairing Standard Enforcement Order and the Committee decided to grant a Certificate of Completion.</p>
prhp/IV25/105/09	The Bookshop Flat, High Street, Dornoch, IV25 3SH	13(1)(a,c,d, f)	23 Dec 10	<p>that most of the issues detailed in the RSEO had been addressed. In particular the light fitting in the pantry had been replaced and the plasterwork in the stairwell had been repaired. The Committee noted that plumbing works were being carried out in the bathroom and had no reason to doubt that the shower unit was being replaced. The Committee were satisfied that smoke alarms had been installed in the Property. However it was not clear to the Committee if the central heating system had been inspected or was in proper working order. Consequently, before the Committee would consider discharging the RSEO, the landlords were required to carry out such works as necessary to ensure that the central heating system is in a reasonable state of repair and proper working order and to provide the Committee with a Landlord's Gas Safety Certificate from a suitably registered engineer to confirm this.</p> <p>On 15 November 2010 the landlords presented the Committee with a Gas Safety Certificate. Having considered this document the Committee found that the works required by the RSEO had been properly completed. Consequently the Committee agreed that the RSEO be discharged.</p> <p>11. The decision of the Committee was unanimous.</p>

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
<b>REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)</b>				
prhp/G32/33/10	53E Budhill Avenue, Glasgow, G32, 0PG	13(1)(a,b,c, d)	13 Oct 10	On 11 October 2010 Mr. Mike Links, Surveyor Member of the Committee, carried out an inspection of the house for the purpose of ascertaining if the said repairs in the RSEO had been completed. His inspection report indicated that a new gas boiler had been installed in the house and it was functioning satisfactorily and providing heat to the radiators and hot water to the taps; and the lounge windows have been replaced with satisfactory upvc double glazed units. A gas safety certificate dated 1 October 2010 had been produced which was satisfactory in its terms. The Committee considered the works specified in the RSEO had been satisfactorily completed and decided that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. The members of the Committee were unanimous in their decision.
prhp/PA14/42/10	47 Broadstone Avenue, Port Glasgow, PA14 5AT	13(1)(a,b,c, d,f)	13 Oct 10	the front door of the property (and whilst that door was now wind and watertight) the Landlord had still not made good the plaster work which had been damaged in the entrance hallway to the property. Notwithstanding this, the Tenant indicated that she no longer wished to insist upon her application to the Private Rented Housing Committee. The Tenant indicated that she would shortly be moving out of the property and wished no further contact from the Landlord in respect of this matter. Given that the Tenant no longer wished to insist upon this part of her application and given that the Committee were satisfied that all works (other than minor reinstatement works) had been completed as required by the RSEO (as varied) the Committee decided to grant a Certificate of Completion.

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
<b>REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)</b>				
prhp/AB54/56/10	Gardener's Cottage, Glenbogie, Rhynie, AB54 4JA	13(1)(a,b)	23 Nov 10	<p>Mr Colin Hepburn, the Surveyor Member, again inspected the Property on 4 November 2010. The Landlord, in addition to touching up the areas where water damage had originally occurred, had now repainted the living room, kitchen, bathroom and the inside of the porch. The Surveyor Member confirmed that the redecoration had been carried out to an appropriate standard. Whilst at the Property he again tested the living room, kitchen and bathroom for any residual damp. None was found. The Tenant had again mentioned, during the course of the inspection, that no formal roof report had been provided in terms of item (a) of the original RSEO. The Committee had previously discussed this issue at the second hearing and although a formal report had originally been requested an invoice had been exhibited which had showed the works which had been carried out and there had, since then, been no further instances of water ingress. On that basis the Committee had been prepared to dispense with the requirement for the report.</p> <p>The Committee reviewed the findings of the Surveyor Member and now considered 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. The decision of the Committee was unanimous.</p>
prhp/KA12/65/10	51 McKinley Crescent, Irvine, KA12 8DP	13(1)(c,d,f)	1 Nov 10	<p>The Committee considered the written representations, the parties' submissions and their own findings at the inspection. They determined:-</p> <p>(1) That the dampness reading taken at the inspection of the property on 20 October 2010 were not higher than expected for the prevailing conditions at that time. They therefore concluded that there was no rising damp in the property and section (1) of the RSEO which required the landlord to <i>'Undertake all works necessary to remove the rising damp in the front and rear bedrooms and bathroom and reinstate all finishes affected'</i> should be revoked.</p> <p>(2) Section (2) of the RSEO, which required the Landlord to install a hardwired smoke alarm, had been completed and the appropriate Certificate of Completion in terms of Section 60 Housing (Scotland) Act 2006 should be issued.</p>
prhp/FK1/70/10	147 CUmbræe Drive, Falkirk, FK1 4AP	13(1)(a-c)	10 Dec 10	<p><i>I can confirm that all of the previously outstanding RSEO items have now been completed and conclude that, in my opinion, it would be in order for a Certificate of Completion to be issued. '</i></p> <p>Accordingly, this Committee now determines that the RSEO has been complied with and further that the RSEO should be discharged as a consequence and the associated Rent Relief Order should be revoked.</p>

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
<b>REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)</b>				
prhp/IV51/81/10	Meanish Cottage, South Duntulm, Isle of Skye, IV51 9UF	13(1)(a-f)	12 Nov 10	<p>The Committee noted that:-</p> <ul style="list-style-type: none"> <li>• The back window in the living room has had new seals put on and is a better fit than previously. The rear window in the main bedroom has been repaired and closes securely. There was no evidence of any leakage. The rear door has been re-weighted and now closes to a snug fit.</li> <li>• The stair carpet has been replaced and there are no holes on the stairway.</li> </ul> <p>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</p>
prhp/EH11/85/10	11 Burghtoft, Edinburgh, EH17 8RR	13(1)(a)	12 Nov 10	<p>The re-inspection report indicated that new upvc triple glazed windows had been installed throughout the property and a new front entrance door and external kitchen door had also been installed. The tenant indicated his satisfaction with the works. 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. The members of the Committee were unanimous in their decision.</p> <p>The Committee, whilst noting the satisfactory completion of the works detailed in the RSEO, did note that there remained a faulty door catch in the 2nd left front bedroom and some defective cupboard handles. These items had been mentioned in the original determination but were not included in the RSEO as there had been no prior notification on the Landlord. Nevertheless the catch on the bedroom door is a safety issue and should be rectified as a matter of priority.</p>
prhp/EH7/90/10	GF2, 38 Marionville Road, Edinburgh	13(1)(d,e)	7 Oct 10	<p>The Committee noted that:-</p> <p>(a) The rubber seal around the oven door had been repaired so that the oven is in a reasonable state of repair and proper working order. (b) The kitchen worktop has been repaired so that that fixture is in a reasonable state of repair and in proper working order.</p> <p>The Committee were satisfied that all works required by the RSEO had been satisfactorily carried out. Accordingly the Committee decided to grant a Certificate of Completion.</p>

REFERENCE	ADDRESS	Repairing Standards applied under	Decision date	Details
<b>REPAIRNG STANDARD: CERTIFICATE OF COMPLETIONS (continued)</b>				
prhp/EH49/99/10	32 Mill Road, Linlithgow, EH49 7QW	13(1)(a,b,d)	2 Dec 10	At the re-inspection the Committee's surveyor member was able to confirm the eastern gable wall had dried out and the property does not currently suffer an ingress of water or dampness. This is in line with the findings of Mr McEwan. Accordingly the terms of the RSEO have been obtempered and the Committee grants a Certificate of Completion which is attached hereto and forms part of this Statement.