



NOTICE TO LOCAL AUTHORITY
ISSUED BY
THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 26(2) OF THE HOUSING (SCOTLAND) ACT 2006

prhp Ref: prhp/DD3/124/12

Re : Property at 2/2, 31 St Nicholas Place, St Marys, Dundee, DD3 9NF ("the Property")

The Parties:-

Linda Mitchell, formerly of 2/2, 31 St Nicholas Place, Dundee ("the Tenant")

Ms I Skelly, 148 Kingsway, Dundee, DD3 8JR ("the Landlord")

Notice is hereby given to Dundee City Council, being the local authority in which the house is situated, that there has been a failure by the Landlord to comply with a Repairing Standard Enforcement Order in relation to the house in terms of Section 26(1) of the Housing (Scotland) Act 2006. The Statement of Decision of the Private Rented Housing Committee under Section 26(1) of the said Act is attached hereto and referred to for its terms.

If an appeal against the decision of the Private Rented Housing Committee is made, then the effect of the decision is suspended until the appeal is abandoned or finally determined. In the event that the decision is confirmed, then the decision will be effective 28 days from the date on which the appeal is abandoned or so determined. If an appeal is received then the Private Rented Housing Panel will notify you of this and the eventual outcome of the appeal.

The date of service upon the parties of the decision under Section 26 of the Act is hereby certified to be 15 January 2014.

In witness whereof these presents type written on this page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 22 January 2014 before this witness:-

R Graham
Witness

J Lea
Chairman

Rachel Graham
Unit 3.5, The Granary Business Centre
Coal Road
Cupar
Fife



Statement of decision of the Private Rented Housing Committee under Section 26 (1) of the Housing (Scotland) Act 2006

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Ms I Skelly, 148 Kingsway, Dundee, DD3 8JR ("the Landlord")

Background

1. On 13 March 2013 the Private Rented Housing Committee ("the Committee") issued a determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property. The RSEO made by the Committee required the Landlord to:
 1. Obtain an up to date report by a suitably qualified electrician or heating engineer to show that the electric heaters and hot water system in the property are in a reasonable state of repair and in proper working order.
 2. The Private Rented Housing Committee ordered that the order be complied with within 6 months of the date of service of the notice.
 3. On 1st November 2013 the surveyor member of the Committee attended at the property for the purposes of ascertaining whether the said RSEO had been complied with. No access was provided to the property and it could not be seen if any work had been carried out. The Landlord did not reply to the further inspection report sent to her by recorded delivery on the 14 November 2013. The Landlord has not provided a report from a suitably qualified electrician or heating engineer as per the terms of the order.
 4. The Committee drew an adverse inference from the failure to provide the reports required, the failure to give access to the property and the failure to respond to the re-inspection report.

Decision and Reasons

5. The Committee having made such enquiries as it thought fit for the purposes of determining whether the Landlord has complied with the RSEO in relation to the property concerned, determined that the Landlord has failed to comply with the RSEO in terms of Section 26(1) of the Housing (Scotland) Act 2006 and that a notice of failure be served on the local authority in which the property is situated.

Right of Appeal

6. A landlord or tenant aggrieved by the decision of the Private Rented Housing committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of section 63

7. Where such an appeal is made, the effect of the decision and of the order is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the decision and the order will be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed **J Lea** Date 9 January 2014
Chairperson