



## Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/AB11/172/12

Re: Property at 158/6 Market Street, Aberdeen, AB11 5PP ("the Property")  
Title No: ABN64633

The Parties:

**JAMES ALASTAIR FIELDING** residing at 22 St Aiden Crescent, Banchory ("the Landlord")

**LUKE GARDEN** residing at 158/6 Market Street, Aberdeen, AB11 5PP ("the Tenant")

### CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 28 November 2012 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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

In witness whereof these presents type written on this and the preceding page are executed by Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 7 June 2013 before this witness:-

**L Johnston**  
\_\_\_\_\_ witness

**E Miller**  
\_\_\_\_\_ Chairman

Lindsay Johnston  
Secretary  
Thorntons Law LLP  
Whitehall House  
33 Yeaman Shore  
Dundee  
DD1 4BJ



## Statement of decision of the Private Rented Housing Committee under the Housing (Scotland) Act 2006

prhp Ref: PRHP/AB11/172/12

Re: Property at 158/6 Market Street, Aberdeen, AB11 5PP ("the Property")

The Parties:-

LUKE GARDEN residing at 158/6 Market Street, Aberdeen, AB11 5PP ("the Tenant")

JAMES ALASTAIR FIELDING residing at 22 St Aiden Crescent, Banchory ("the Landlord")

### Decision

The Private Rented Housing Committee, having made such enquiries as was appropriate for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property and taking account of the subsequent inspections by the Committee, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

### Background

1. By way of a Decision dated 28 November 2012, the Private Rented Housing Committee had issued a determination that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Committee had placed an RSEO on the Property also dated 28 November 2012. The RSEO required the Landlord to:-
  - a. replace the lounge window at the Property in such a manner that the replacement is properly wind and watertight and sufficient to remain so, taking into account the size of the window opening and the location of the Property.
3. A reinspection of the Property was carried out by the Surveyor Member of the original Committee on 28 March 2013. The Tenant was present as were the Landlord's agents Martin & Co. The Surveyor Member reported that the old window had been replaced with a new unit comprising one large fixed dead light over two opening windows of just over half of the height. The replacement was again of UPVC which, in the Surveyor Member's opinion, was probably the most appropriate material at that location, where external maintenance was not particularly practical. The new unit appeared to be in good condition with reasonable rubber seals and four locking points. However the contractor had not properly finished the job and that there was a gap of approximately 4 millimetres between the new unit and the old internal sill, through which there was a continuous draught. The Landlord's agents accepted that the job had not yet been finished properly and that they would arrange for the contractors to return to complete it.

The Surveyor Member attended the Property again on 3 June 2013. Again the Tenant was present although no agents were present for the Landlord. The gap between the windowsill and the new window had now been filled with white silicon. Whilst this had not been particularly well done it did, however, render the window draught free. The Surveyor

Member was also of the opinion that this now met the repairing standard. The Tenant confirmed to the Surveyor Member that he was happy with the works that had been carried out and wished to bring the matter to an end.

The Committee considered the results of the reinspection. The Committee were satisfied that all items under the RSEO had now been carried out. Accordingly the Committee resolved that the RSEO would be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act would be granted.

#### **Decision**

4. The decision of the Committee was unanimous.

#### **Right of Appeal**

5. 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**

6. 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 ..... **E Miller** ..... Date..... *7/6/2013* .....  
Chairperson