



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

**Lower Floor Flat, 422 Auchmill Road, Bucksburn, Aberdeen, AB21 9NN
TITLE NUMBER ABN26312**

FURTHER REINSPECTION

18th March, 2013

STATEMENT OF REASONS

INTRODUCTION

1. This was an application dated 30th November, 2010 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mrs Agnieszka Marcinkowska ('the tenant') regarding the property known as and forming Lower Floor Flat, 422 Auchmill Road, Bucksburn, Aberdeen, AB21 9NN TITLE NUMBER ABN26312 ('the property'). The landlord of the property was Mr Oma Ejumotan, but is now a Mr. and Mrs. Mackland, c/o Campbell Connon, solicitors, 36 Albyn Place, Aberdeen ('the landlord'). The Committee determined that the original landlord was in breach of the repairing standard by decision and RSEO both dated 21st April, 2011. A further reinspection was carried out by this Committee's surveyor member on 18th March, 2013.

THE RSEO

2. The RSEO ordered the landlord at paragraph 3 to carry out the following repairs ('the Works');-

The entrance hall and spare bedroom of the property are suffering from damp\water penetration and mould which is being caused by the problems identified by the Committee in their decision dated 21st April, 2011 and which requires repair to ensure that the property is water tight and in all other respects reasonably fit for human habitation.

THE REINSPECTION

3. A further reinspection was carried out by this Committee's surveyor member on 18th March, 2013 who concluded in his report of the same date that dampness remains at wall linings of front entrance. The reinspection survey report was intimated to Mr. David Morrison of

Campbell Connon who thereafter, in response, wrote to the Private Rented Housing Panel by email dated 5th April, 2013 requesting that this Committee revoke the RSEO.

DECISION & REASONS

4. The Committee determines that the landlord is in default of the RSEO as the dampness remains at wall linings of front entrance which is contrary to the express terms of the said RSEO. Accordingly, it is not appropriate to revoke the RSEO at this time. The Committee will only revoke the said RSEO when there is full compliance of the terms of the RSEO by the landlord.

RIGHT OF APPEAL

5. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

6. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

S Walker

Signed

Steven Walker

Advocate Barrister Attorney

Chairman

Private Rented Housing Committee

12 June 2013