



RENT RELIEF ORDER

ORDERED BY THE PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: prhp/ab51/3/12

PROPERTY

The Retreat, Daviot, Inverurie, registered under Title Number ABN98474

PARTIES

Alan Watt and Ms Linda Gibbon, residing at the property ("the Tenants")

and

**Eric Neil (Bakers) Limited, incorporated under the Companies Acts, Company Number SCO74000,
and having its Registered Office at 12 – 16 Albyn Place, Aberdeen**
("the Landlords")

4 June 2013

NOTICE to the Landlord

Whereas in terms of their decision dated 4 June 2013, the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlords had failed to comply with the Repairing Standard Enforcement Order in relation to the house made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 30% of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the said Act.

A landlord or a 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.

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. Where the appeal is abandoned or finally determined by confirming the decision, the Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed: IN WITNESS WHEREOF, these presents are executed as follows:

D Preston

.....Chairman

I MacLean

.....Witness

5-6-13.....Date of Signing

I MACLEAN.....Name

EUROPA BUILDING.....Address

LSO ARGYLE ST.....

Glasgow.....Place of Signing

GLASGOW.....

G2 8LU.....



PRIVATE RENTED HOUSING COMMITTEE

STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE UNDER RULE 26(1)) OF THE PRIVATE RENTED HOUSING PANEL (APPLICATIONS AND DETERMINATIONS)(SCOTLAND) REGULATIONS 2007

In connection with

PRHP Ref: prhp/ab51/3/12

PROPERTY

The Retreat, Daviot, Inverurie, registered under Title Number ABN98474

PARTIES

Alan Watt and Ms Linda Gibbon, residing at the property ("the Tenants")

**Eric Neil (Bakers) Limited, incorporated under the Companies Acts, Company Number
SCO74000, and having its Registered Office at 12 – 16 Albyn Place, Aberdeen
("the Landlords")**

Decision

The Committee, having made such enquiries as is fit for the purposes of determining whether the Landlords have complied with the terms of the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 29 May 2012 in terms of section 26 (1) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act") and taking account of the written representations by the Landlords and the Tenants, determined that the Landlords had failed to carry out the repairs specified in the RSEO.

Background

- 1. Reference is made to the Direction of the Committee dated 26 March 2013 which was issued to the parties on 3 April 2013 which sets out the background of this application in detail.**

2. On 4 April 2013, the Landlords' agent responded to the Direction to advise that their client, Mr Neil had been admitted to hospital. The Committee by letter dated 10 April 2013 advised the agents that it noted the position but pointed out that the Landlords on whom the obligations under the Act fell were a limited company and that Mrs Neil, who had been in attendance at the hearing on 18 May 2012 had been fully aware of the situation. It further pointed out that the continuing delays in providing copies of reports which the Committee had been advised had been instructed, were unacceptable and that Mr Neil's admission to hospital should not, in the Committee's opinion, have caused any further delay.
3. On 12 April 2013 the Landlords' agents submitted a copy of the electrician's report which related to tests carried out between 15 February and 10 April 2013. they also advised that the Landlords had had contractors out to the property a number of times in relation to the water ingress at the gable wall but they had been struggling to obtain access and that a report would shortly be produced.
4. The Tenants responded on 19 April to advise that there was still water ingress in the gable and the skylight repairs had not been attended to. The Committee raised the Landlords' concerns about the contractors gaining access to inspect the gable, but the Tenants responded that no requests had been made of them. The Committee wrote again to the parties on 8 May 2013 for clarification of the attempts of the contractors to gain access and the Tenants responded on 9 May 2013 to advise that although they had seen contractors at the property they had not been requested to provide access beyond that which had been given.
5. No further response had been received from the Landlords.
6. In the absence of any representations from the Landlords or of any application to vary or extend the terms of the RSEO, the Committee determined that the Landlords had failed to comply with the RSEO.
7. In terms of section 27 of the Act, the Committee considered whether Rent Relief Order should be granted. In view of the Landlords' failure to address the requirements of the RSEO and the nature of the remaining defects in the property the Committee determined that a restriction of 50% should apply, bearing in mind that a restriction of up to 90% of the rent can be made. In reaching its decision the Committee considered that the Landlords' continual delays in attending to any requests by the Committee demonstrated a total lack of regard to their obligations under the Act and that the Tenants had been subject to continuing disruption in their enjoyment of the property.

Right of Appeal

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

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.

D Preston
.....Chairman

Date 4-6-13