



Determination by Private Rented Housing Committee

Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006

Re 2 Corlae Byre, Water O Ken, Castle Douglas, DG7 3UF being the subjects registered in the Land Register of Scotland under title number KRK2721 ('the Property')

The Parties:-

Ms Margaret Taylor residing at 2 Corlae Byre, Water O Ken, Castle Douglas, DG7 3UF (The Tenant')

Mr James Hoyles, Holmhead Farm, Moniaive, Dumfriesshire, DG3 4ER ('The Landlord')

Decision

The Committee having considered the representations of the Landlord that he has been unable to comply with the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 20th February 2014 and served on 6th March 2014 determines that there should be a variation of the Repairing Standard Enforcement Order in terms of Section 25(1) (a) of the Housing (Scotland) Act 2006 ("the Act"). The RSEO is varied as follows: **The works detailed in the RSEO must be carried out by 31st May 2014.** The Committee also determined that a Hearing would be fixed for a date after 31st March 2014 and that the date of the Hearing would be intimated to parties in due course. The decision of the Committee was unanimous.

The Committee comprised the following members – Mr Martin McAllister, Chairperson; Mr. George Campbell, Surveyor Member; and Mr Jim Riach, Housing Member.

Findings in Fact

1. A Repairing Standard Enforcement Order (RSEO) relative to the house dated 20th February 2014 and served on 6th March 2014 was issued requiring works as specified in the Order to be completed within twenty eight days of service of the RSEO.
2. On 8th April the Landlord wrote to the Committee indicating that the works detailed in the RSEO had not been completed. He indicated that there had been difficulties with access and alleged that actings of the tenant and her son had impeded him in carrying out the works.

Reasons for the Decision

1. The Committee accepted that the works had not been done and considered it reasonable to allow the landlord more time to do them.
2. In arriving at its decision the committee took no view on the representations made by the landlord other than the fact that the works had not been done.
3. The Committee considered that a Hearing be fixed to allow parties to make representations and lead evidence should this be required and that this Hearing should be arranged for a date after 31st May.

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.

Signed **M McAllister** Date 2nd May 2014
Chairperson

Witness **A Green**

Name in Full **ALISTAIR NEZL GREEN**

Address **51 HAMILTON STREET, SALTCOATS, KA21 5DX**

