

## Notice of a decision to Vary

### A Repairing Standard Enforcement Order

#### Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/DD4/160/12

Re: Property at G/L 22 Morgan Street, Stobswell, Dundee ("the Property")

#### The Parties:-

FLATS4U LIMITED, 7a City Quay, Camperdown Street, Dundee, DD1 3JA ("the Landlord")

GILLIAN FORDYCE formerly G/L 22 Morgan Street, Stobswell, Dundee and now 1/R 22 Morgan Street, Dundee ("the Tenant")

#### NOTICE TO FLATS 4 U LIMITED ("the Landlord")

The Private Rented Housing Committee having determined on 8 October 2013 that the **Repairing Standard Enforcement Order** relative to the Property dated 5 February 2013 should be varied, the said **Repairing Standard Enforcement Order** is hereby varied with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the order is extended to 15 December 2013.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

**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.**

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

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 14 November 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 Section 25 (1) of the Housing (Scotland) Act 2006

prhp Ref: PRHP/DD4/160/12

Re: Property at G/L 22 Morgan Street, Stobswell, Dundee ("the Property")

### The Parties:-

GILLIAN FORDYCE formerly G/L 22 Morgan Street, Stobswell, Dundee and now 1/R 22 Morgan Street, Dundee ("the Tenant")

FLATS 4 U LIMITED, 7a City Quay, Camperdown Street, Dundee, DD1 3JA ("the Landlord")

### Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property determined that the Landlord should be given a further extension until 15 December 2013 to the period allowed for completion of the works required in terms of Section 25(1) of the Housing (Scotland) Act 2006 ("the Act")

### Background

1. Reference was made to the Determination of the Committee dated 5 February 2013 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and that they had failed to ensure that the Property met the repairing standard. The works required by the RSEO were:-
  - (a) To carry out such works as are necessary to eradicate the damp penetration into the Property and thereafter to carry out such works of internal repair and redecoration as are required to bring the Property up to the repairing standard; and
  - (b) To carry out such works of repair or replacement to the windows of the Property to ensure that they are properly wind and watertight, capable of being opened and closed properly and otherwise meet the repairing standard.

The RSEO gave the Landlord 6 months to carry out the works.

2. By email dated 10 September 2013 the Letting Agent indicated that extensive works were being carried out to the Property and they anticipated that the work would be complete by the end of October 2013.

The Committee considered this information. The Committee was aware that the Landlord had been suffering from a difficult financial position and this had delayed them commencing the works. It was a positive step that the Landlord was now dealing with the works.

3. The Committee noted that extensive works were required to eradicate the damp penetration within the Property. In all likelihood this would require the replacement of various areas of plasterwork. The Committee was of the view that whilst the physical works may be complete the end of October 2013 the plasterwork would benefit from a

further period to allow it to dry out properly. Accordingly the Committee was of the view that an extension of the RSEO should be granted to ensure that when the inspection of the Property took place there was as high a chance as possible that the works would have been done to the required standard and the RSEO would be able to be lifted. On that basis the Committee was satisfied that it was appropriate to give an extension of the period to carry out the works in the RSEO until 15 December 2013. A reinspection of the Property would then be arranged for after that date.

**Decision**

4. The decision of the Committee was to grant the Landlord an extension of the period required to complete the works in terms of the RSEO until 15 December 2013.
5. The decision of the Committee was unanimous.

**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 **E Miller** ..... Date *14/11/13* .....  
Chairperson