

Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/AB42/201/12

Re: Property at 6 Queens Road, Boddam near Peterhead, AB42 3AX ("the Property")

Title No: ABN108205

The Parties:-

ANNE ROBERTS residing at 5 Inchmore Gardens, Boddam, Peterhead and ALEXANDER JAMES STEPHEN residing at Lauderdale, Rocksley Drive, Boddam, Peterhead as Executors of Margaret Stephen ("the Landlords")

MR ALLISTER GRANT and MRS DAWN GRANT residing at 6 Queens Road, Boddam Peterhead, AB42 3AX ("the Tenants")

NOTICE TO ANNE ROBERTS and ALEXANDER JAMES STEPHEN ("the Landlords")

The Private Rented Housing Committee having determined on 7 June 2013 that the **Repairing Standard Enforcement Order** relative to the Property served on 21 January 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 further extended for a further period of 3 months from the date of service of this notice.

Subsection 25(3) of the Housing (Scotland) Act 2006 does/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 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 Section 25 (1) of the Housing (Scotland) Act 2006

prhp Ref: PRHP/AB42/201/12

Re: Property at 6 Queens Road, Boddam near Peterhead, AB42 3AX ("the Property")

The Parties:-

MR ALLISTER GRANT and MRS DAWN GRANT residing at 6 Queens Road, Boddam Peterhead, AB42 3AX ("the Tenants")

ANNE ROBERTS residing at 5 Inchmore Gardens, Boddam, Peterhead and ALEXANDER JAMES STEPHEN residing at Lauderdale, Rocksley Drive, Boddam, Peterhead as Executors of Margaret Stephen ("the Landlords")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property determined that the Landlord should be given an extension of three months 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 21 January 2013 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act in 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 to the exterior of the Property as are necessary to render it properly wind and watertight.
 - b) Once the works referred to in a. above have been carried out to the exterior, to carry out such works as are necessary to render the inside of the Property free and clear of damp and to carry out any redecoration required as a result of the works.

The RSEO gave the Landlord 4 months to carry out the works specified.

2. Mr Mark Andrew, the Surveyor Member of the original Committee reinspected the Property on the morning of 5 June 2013. The Tenants had removed from the Property since the original hearing. Access to the Property was provided by the Landlord's contractors who were carrying out works to the Property.

The builders had stripped the lath and plaster from the gable wall of the westmost bedroom. The Committee had noted that this bedroom had been very damp at the time of the original inspection. The contractors had found that the gap between the granite wall and the lath and plaster was very narrow and full of lime mortar from the granite wall joints. The timber floorboards were also touching the granite and were rotting as a result of the dampness. They had found that the internal surface of the granite wall continued to

become damp in wet weather. The roof had been repaired and the skews replaced so the water ingress was likely to be caused due to poor pointing or porous stone. The contractors were to try hosing the wall to see if they could establish the cause of the water ingress.

The damp remained visible in the eastmost bedroom, bathroom and in the ground floor dining room and bedroom. Even once the cause of the damp penetration had been discovered and dealt with, the areas of damp would require to be fully exposed, ventilated and then recovered with new post and plasterboard. The Surveyor Member noted that whilst works had now started on the Property there was still a significant amount to be done by the Landlord.

The Committee considered what the appropriate steps to take were. The Committee was conscious that there was no Tenant within the Property who would be prejudiced by an extension to the time limit within the RSEO being given. The Committee was also conscious that the Landlord would not be able to re-let the Property until the RSEO had been lifted as to do so would be a criminal offence. Accordingly any delay in the RSEO being complied with would simply serve to prevent the Landlord from letting the Property and gaining an income. On that basis, the Committee did not see any prejudice in granting an extension to the Landlords to allow them to complete the necessary works. The Committee was satisfied that it was in order to give an extension of three months.

The Committee did note that the Landlords letting agent had advised the PRHP office that he considered the PRHP involvement to be a waste of time and a bad use of public money. The Committee noted with interest this point of view. The Committee noted that the Property, at the time of the original inspection, had been riddled with damp. It was readily apparent that the letting agent could not have visited the Property or checked its condition as, if he had done so, the letting agent would have seen that the Property was riddled with damp and fell far below the repairing standard. The purpose of the Act was to ensure that properties that were let out to members of the public were up to a basic standard. The Committee was of the view that the Act and the repairing standard were targeted at exactly this type of situation and behaviour. The Committee did not see their actions as being a waste of public money – quite the reverse.

Decision

3. The decision of the Committee was to grant a further period of 3 months from the date of this decision to comply with the RSEO.
4. The decision of the Committee was unanimous.

Right of Appeal

5. A Landlords or Tenants 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