

Notice of a decision to Vary
A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/IV13/6/13

Re: Property at Coalhaugh, 1 Station Road, Tomatin, Inverness, IV13 7YR
("the Property")

The Parties:-

MRS JANET CRUMMY c/o Scottish Highland Property Services, 11 Queensgate, Inverness, IV1 1DF ("the Landlords")

GAVIN TETLEY and REBECCA HARRISON formerly residing at Coalhaugh, 1 Station Road, Tomatin, Inverness, IV13 7YR ("the Tenants")

NOTICE TO MRS JANET CRUMMY ("the Landlords")

The Private Rented Housing Committee having determined on 23 September 2013 that the **Repairing Standard Enforcement Order** relative to the Property served on 7 June 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 (or further extended) for a further 6 weeks.

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 23 September 2013 before this witness:-

L Johnston

witness

~~Chairman~~

Lindsay Johnston
Secretary
Thorntons Law LLP
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ

E Miller

Chairman



Statement of decision of the Private Rented Housing Committee under Section 25 (1) of the Housing (Scotland) Act 2006

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Re: Property at Coalhaugh, 1 Station Road, Tomatin, Inverness, IV13 7YR ("the Property")

The Parties:-

GAVIN TETLEY and REBECCA HARRISON formerly residing at Coalhaugh, 1 Station Road, Tomatin, Inverness, IV13 7YR ("the Tenants")

MRS JANET CRUMMY c/o Scottish Highland Property Services, 11 Queensgate, Inverness, IV1 1DF ("the Landlords")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlords had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property determined that the Landlords should be given a further extension of 6 weeks 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 7 June 2013 which determined that the Landlords had failed to comply with the duty imposed by Section 14(1)(b) of the Act and that she had failed to ensure that the Property met the repairing standard. The works required by the RSEO were
 - (a) To carry out such works of repair or replacement as are necessary to fix the broken stair tread and the hole in the floor in the bedroom above the said staircase.
 - (b) To produce an Electrical Installation Condition Report from a suitably qualified electrician confirming that the electrical installations within the Property are in proper working order and comply with the relevant regulations.
 - (c) To carry out such works of repair or replacement as are necessary to ensure that the Rayburn in the Property is in proper working order.
 - (d) To install sufficient smoke alarms that are mains wired and interlinked and otherwise comply with the requirements of the relevant fire legislation.

The RSEO gave the Landlords 6 weeks to carry out the works from the date of service of the RSEO.

2. By letter dated 3 August 2013 the Landlords wrote to the Committee to advise that they would not manage to carry out all the necessary works prior to the scheduled reinspection of the Property. The letter explained that the Property had been vacated by the Tenants at the end of March and was now unoccupied and empty. The house had been put up for sale at the end of April and was not to be rented out again by them. The Landlords lived

in Wales and, as a result, it was going to take them longer to organise the works, which the Landlords intended to carry out themselves. The Landlords would not be returning to the Property until the end of September. The Landlords therefore requested an extension to the RSEO.

3. The Committee considered whether to grant the request of the Landlords to extend the period for the works to be carried out under the RSEO. The Committee noted from their own investigations that the Property was indeed advertised for sale and did appear to be unoccupied. The Committee accepted that the Landlords lived some distance from the Property and were not going to rent the Property out. The Committee was also conscious that the Landlords 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 remaining in place simply served to prevent the Landlords letting it out and gaining an income from the Property. On that basis the Committee was satisfied that it was in order to grant an extension of 6 weeks from the date of service of this variation to the Landlords to allow completion of the works.

Decision

4. The decision of the Committee was to grant the Landlords a further period of 6 weeks from the date of service of this Decision to comply with the RSEO.
5. The decision of the Committee was unanimous.

Right of Appeal

6. **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

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..... 24/9/2013
Chairperson