



## Statement of decision of the Private Rented Housing Committee under the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/13/14

Re: 20 Fintry Road, Dundee, DD4 9EJ ("the Property")

### The Parties:-

**ELIZABETH DOLAN** residing at 20 Fintry Road, Dundee, DD4 9EJ ("the Tenant")

**CALUM MACLEAN WATT c/o CPW Property Investments, Centrum Offices 38 Queen Street, Glasgow, G1 3DX** ("the Landlord")

### Decision

The Private Rented Housing Committee, having made such enquiries as was appropriate for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and taking account of the subsequent inspection and information received by the Committee, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

### Background

1. By way of a decision dated 18 September 2013 the Private Rented Housing Committee had issued a determination that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Committee had placed an RSEO on the Property also dated 18 September 2013. The RSEO required the Landlord:-
  - a) To carry out such works to the boiler as are necessary to ensure compliance with the repairing standard. Upon completion of such works the Landlord shall exhibit to the Committee a gas safety certificate from a suitably qualified gas engineer confirming that the gas appliances within the property are all in property working order and comply with the relevant regulations.
  - b) To carry out such works for repair or replacement the rhones and downpipes at the Property to ensure that they comply with the repairing standard.

The RSEO required the Landlord to carry out the works within a period of 4 weeks.

3. On 29 October 2013 Mr D Godfrey, the Surveyor Member of the original Committee, carried out a reinspection of the Property. That report advised that the rhones at both the front and the rear of the Property had been replaced and were now in proper working order. However no works had been carried out to the central heating system and no gas safety certificate was available for inspection. As a result the Committee issued a Rent Relief Order (RRO) in the sum of 30% of the rent payable by the Tenant as a result of the Landlord's failure to comply with the RSEO. That decision was issued on 9 January 2014.
4. No further documentation was received from the Landlord and the RRO remained in place for a significant period of time. However, on 26 January 2016 a Mr Lindsay Watson of the Private Sector Services Unit from Dundee City Council advised that works had been carried out by the Landlord. He provided a copy of a Gas Safety Certificate over the Property dated 17 April 2015. This confirmed that the gas system and boiler were in proper working order. The Committee (comprising Mr E K Miller, Chairman and Mr D

Godfrey, Surveyor Member) tried to obtain information from the Tenant and the Landlord but no response was received from either.

The Committee considered matters and determined that there appeared to be a current and valid Gas Safety Certificate. Such Certificate could not have been issued were the issues originally complained of still to be live. On that basis the Committee felt obliged to determine that the remaining works required under the RSEO had now been met.

Accordingly the Committee resolved that the RSEO should be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act would be granted. The Committee also resolved to revoke the RRO that had been put in place against the Property.

**Decision**

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.

E Miller

Signed .....  
Chairperson

..... Date..... 4/3/16



## Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

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Title Number: ANG47291

The Parties:-

ELIZABETH DOLAN residing at 20 Fintry Road, Dundee, DD4 9EJ ("the Tenant")

CALUM MACLEAN WATT c/o CPW Property Investments, Centrum Offices 38 Queen Street, Glasgow, G1 3DX ("the Landlord")

### CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property dated 18 September 2013 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

**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.**

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 3 March 2016 before this witness:-

E Miller

C Robertson

Chairman

Claire Robertson  
Secretary  
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