



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/14/247

Property at GFR 10 Raeburn Place, Rosemount, Aberdeen, AB25 1PS ("the Property")

Title No: ABN63942

MS SHEILA ANDERSON formerly residing at GFR 10 Raeburn Place, Rosemount, Aberdeen, AB25 1PS ("the Tenant")

MR GEOFFREY CHALMERS c/o 32 King Street, Aberdeen, AB24 5AX (represented by his agent Mr Cliff Caie, Lett's & Co. Properties, 32 King Street, Aberdeen) ("the Landlord")

NOTICE TO MR GEOFFREY CHALMERS ("the Landlord")

The Private Rented Housing Committee having determined on 29th March 2016 that the **Repairing Standard Enforcement Order** relative to the Property served on 22 April 2015 and varied on 30 November 2015 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 for a further 3 months from the date of service of this notice.

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 29 March 2016 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/RP/14/247

Re: Property at GFR 10 Raeburn Place, Rosemount, Aberdeen, AB25 1PS
("the Property")

The Parties:-

MS SHEILA ANDERSON formerly residing at GFR 10 Raeburn Place, Rosemount, Aberdeen, AB25 1PS ("the Tenant")

MR GEOFFREY CHALMERS c/o 32 King Street, Aberdeen, AB24 5AX (represented by his agent Mr Cliff Caie, Lett's & Co. Properties, 32 King Street, Aberdeen) ("the Landlord")

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 a further 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 determinations of the Committee dated 22 April 2015 and 30 November 2015 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1B) of the Act and that he had failed to ensure that the Property met the Repairing Standards. The works required by the RSEO were: -
 - A. The Property is wind and watertight and in all other respects reasonably fit for human habitation;
 - B. The structure of and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order;
 - C. The installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;
 - D. Any fixtures, fittings and appliances provided by the Landlords under the tenancy are in a reasonable state of repair and in proper working order.

The original RSEO gave the Landlord four month's to carry out the works.

2. A previous reinspection had been carried out on 15 September 2015. Whilst items B., C., and D. list above had been attended to, there was evidence that the front and party walls were still excessively damp. A further extension of 6 months to the period for compliance with the RSEO was given at that stage.
3. On 18 February 2016, the Surveyor Member Mr Colin Hepburn carried out a further reinspection of the Property. Access was provided by the Landlord's agent Mr Cliff Caie of Lett's & Co. Properties. Mr Caie indicated during the course of the inspection that the

local authority had carried out further inspection of the water ingress issue. The letting agent understood that the damp ingress issue had now been resolved and that the internal walls to the front and party wall were now beginning to dry out. Random testing did suggest that damp levels were reducing but as the Property was unheated and unoccupied it could not yet be confirmed whether the water ingress issue had been effectively dealt with. In any event the internal walls within the Property, which had been stripped out, still needed to be relined and redecorated.

The Committee (comprising Mr E K Miller, Chairman and Legal Member; Mr C Hepburn, Surveyor Member; and Mr J Wolstencroft, Housing Member) considered matters further. It was clear that works were progressing, albeit slowly. In the circumstances the Committee was of the view that it would be appropriate to give a further extension of 3 months. The Property was vacant and the Landlord was receiving no benefit by not having carried out the works yet. The warmer summer months were on the horizon and this would hopefully allow the damp to dry out more quickly and allow the Landlord and his agent to complete the redecoration works. On that basis the Committee was satisfied to give a further extension of 3 months. However, the Committee did expect to see the matter to be properly addressed and completed within that timescale.

Decision

3. The decision of the Committee was to grant the Landlord a further period of three 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 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

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 29/3/11
Chairperson