



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

PRHP Ref: PRHP/RP/15/0233

Property at: 3/2 59 Provost Road, Dundee DD3 8AG

Title No: ANG14862

The Parties

James McVicar, residing at 3/2 59 Provost Road, Dundee DD3 8AG
("the tenant")

and

Dale Hughes, residing at 59 Braid Road, Edinburgh ("the landlord")

NOTICE TO Dale Hughes, residing at 59 Braid Road, Edinburgh ("the landlord")

The Private Rented Housing Committee, having determined on 12 February 2016 that the Repairing Standard Enforcement Order relative to the property, served on 15 December 2015 should be varied. The said Repairing Standard Enforcement Order is hereby varied from the date of service of this notice in the following respect:

Requirement (iv) ("*iv*) *Replace the windows throughout the property*") is deleted and the following requirement is substituted therefor

"(iv) The landlord is required to repair or replace the windows throughout the property so that the double glazed units are fully intact and so that the property is wind and watertight."

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 are signed Paul Doyle, solicitor, 24 Haddington Place, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 15 February 2016 before Emma Doyle, 24 Haddington Place, Edinburgh

Emma Doyle Paul Doyle

Edinburgh 15/2/2016
CERTIFIED A TRUE COPY
24 Haddington Place
Edinburgh
Paul Doyle



**Statement of Reasons for deciding to Vary
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Title No: ANG14862

The Parties

James McVicar, residing at 3/2 59 Provost Road, Dundee DD3 8AG (“the tenant”)

and

Dale Hughes, residing at 59 Braid Road, Edinburgh (“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 RSEO should be varied to change one of the requirements which may not be entirely necessary in terms of Section 25(1) of the Housing (Scotland) Act 2006 (“the Act”)

Background

1. Reference is made to the determination of the committee dated 21 November 2015, which determined that the Landlord had failed to comply with the duty imposed by section 14 (1)(b) of the Act, and that he failed to ensure that the property met the repairing standard. The works required by the RSEO were:

- (i) Replace the shower head in the bathroom
- (ii) Repair or replace the light on the landing outside the front door of the property
- (iii) Repair or replace the work-surface in the kitchen
- (iv) Replace the windows throughout the property
- (v) Overhaul, repair and where necessary replace the gutters, rhones and downpipes serving the larger building of which this property forms part

All within three months of the date of service of service of this order

2. By email dated 8 January 2016, the Landlord's agents told the PRHP that after investigation, the landlord's window contractors are confident that it will be just as effective to repair the windows to the front of the property as it will be to replace them.

3. The Committee considered whether requirement (iv) was unduly harsh. In the light of the new information (which was not made available at either the inspection or the hearing) the committee decided that the requirement (iv) of the RSEO can be varied so that the Landlord will now be required to repair or replace the windows throughout the property so that the double glazed units are fully intact and so that the property is wind and watertight.

Decision

4. The decision of the Committee was unanimous

Right of Appeal

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

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.

Paul Doyle

Signed..
Chairperson

Date 15 February 2016