



**Notice of Variation
Of
A Repairing Standard Enforcement Order in terms of Section 25 (1) of the
Housing (Scotland) Act 2006**

Ordered by the Private Rented Housing Committee

prhp ref: RP/16/0195

Re 31 Holmlea Drive, Kilmarnock, KA1 1UX being the subjects registered in the Land Register of Scotland under title number AYR5638 ('the Property')

The Parties:-

Miss Lisa Hyland (The Tenant'), residing at the Property.

Mr Thomas Gordon Stevenson, 15 Parish Gardens, Symington, East Ayrshire, KA1 5SB and Mr Neil Stevenson, 18 Holly Place, Kilmarnock, KA1 2JU ('The Landlord').

The Committee: Martin J. McAllister, Chairperson and George Campbell, Surveyor Member.

NOTICE TO

Mr Thomas Gordon Stevenson

The Private Rented Housing Committee having determined on 4th November 2016 that the **Repairing Standard Enforcement Order** relative to the Property dated 12th July 2016 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 respect:-

The period allowed for the completion of the work required by the order is extended until 15th April 2017

Subsection 25(3) of the Housing (Scotland) Act 2006 does 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.

M McAllister

Martin J. McAllister, Chairman

At Kilwinning on 4th November 2016

before

K Guthrie

Kayleigh Guthrie, Witness

83 Main Street. Kilwinning



Determination by Private Rented Housing Committee

Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006

prhp ref: RP/16/0195

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The Parties:-

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The Committee: Martin J. McAllister, Chairperson and George Campbell, Surveyor Member.

Decision

The Committee having considered the representations of the Landlord that he has been unable to comply with the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 12th July 2016 determines that there should be a variation of the Repairing Standard Enforcement Order in terms of Section 25(1) (a) of the Housing (Scotland) Act 2006 ("the Act"). The RSEO is varied as follows:

The works detailed in the RSEO must be carried out by 15th April 2017

The Committee comprised the following members – Mr Martin McAllister, Chairperson and Mr. George Campbell, Surveyor Member.

Findings in Fact

1. A Repairing Standard Enforcement Order (RSEO) relative to the property dated 12th July 2016 was issued requiring works as specified in the Order to be within three months of the RSEO.

- 2 On 25th October 2016 the Landlord wrote advising that he was experiencing problems in progressing the works. He advised that the tenancy had been terminated. He said that the works would involve the neighbouring property and that the estate of the deceased owner of the property was currently marketing it for sale.
3. The Landlord stated that he may sell the property at auction in its current condition.

Reasons for the Decision

4. The Committee accepted that the works had not been done. It accepted that significant structural works will possibly require to be done. The Committee also accepted that the Landlord would have difficulties in proceeding with the works because of fact that the neighbouring house is currently subject to executry administration.
5. The Committee considered that the RSEO requires to be complied with whether or not the Landlord sells the Property.
6. In view of the difficulties being experienced by the Landlord, the Committee determined that it would be reasonable in allowing more time for compliance with the RSEO. The Committee also noted that the Property has no tenant and that, in terms of Section 28(5) of the Act, the landlord would be committing an offence if he enters into a tenancy at any time during which a RSEO has effect in relation to the Property.

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.

M McAllister

Signed
Chairperson

Date 4th November 2016