

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

Re : Property at 16/1 Robert Burns Drive, Liberton, Edinburgh ("the Property")
Land Register Title Number: MID52335

The Parties:-

Christopher Krzywinski, Agata Korecka and Oliver Pearn ("the former Tenants")

Alexander Forbes ("the new Tenant")

Mr Riccardo Roberts, c/o The Property Letting Centre, 64 Newington Road, Edinburgh ("the former Landlord")

David Kelly ("the new Landlord")

NOTICE TO David Kelly ("the Landlord")

The Private Rented Housing Committee, comprising Judith Lea, Chairman and Legal Member, David Godfrey, Surveyor Member and Irene Kitson, Housing Member, having determined on 9 June 2016 that the **Repairing Standard Enforcement Order** relative to the Property served on 13 May 2010 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. A further period of two months from the date of service of this Notice to vary the Repairing Standard Enforcement Order be allowed for completion of the work.

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.

In witness whereof these presents type written on this page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 2 June 2016 before this witness:-

R Graham

Witness

J Lea

Chairman

Rachel Graham
Unit 3.5, The Granary Business Centre
Coal Road
Cupar
Fife

Determination by The Private Rented Housing Committee

In relation to Decision to Vary Repairing Standard Enforcement Order

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

Land Register Title Number: MID52335

Property at 16/1, Robert Burns Drive, Liberton, Edinburgh ("the Property")

The Parties:-

Christopher Krzywinski, Agata Korecka and Oliver Pearn ("the former Tenants")

Alexander Forbes. 16/1 Robert Burns Drive, Liberton, Edinburgh ("the current Tenant")

**Mr Riccardo Roberts, c/o The Property Letting Centre, 64 Newington Road, Edinburgh
("the former Landlord")**

David Kelly care Stewart Elliot PSL ("the current Landlord")

Background

1. On 13 May 2010 the Private Rented Housing Committee (comprising, Judith Lea Chairman and Legal Member, David Godfrey, Surveyor Member and Irene Kitson, Housing Member) issued a Decision requiring the former Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 12 May 2010.
2. The former Landlord then advised that the property would no longer be used for Tenants and that he would be cancelling the Landlord Registration with the Council. The Tenants moved out on 16 May 2010. The former Landlord indicated that he was unable to pay for the surveys and additional work requested by the Private Rented Housing Committee.
3. The Committee then issued a letter asking the former Landlord to provide formal written confirmation that the property would not be re-let while repairs were outstanding. This written confirmation was not provided by the former Landlord.
4. The former Landlord then advised that the property had been repossessed.
5. In those circumstances the Committee considered it reasonable to allow a further period of six months for the former Landlord to comply with the Order.
6. Thereafter the property was sold and there is a new owner of the property and new Tenants in the property.
7. The Surveyor Member of the Private Rented Housing Committee inspected the property on 27 May 2016 and noted that the shower room had recently been redecorated. The current Tenant also confirmed that the walls and ceilings were cleaned and mould removed prior to redecoration. The mechanical extractor fan was understood to have recently been repaired.
8. The Surveyor Member however noted that condensation mould was still apparent in the kitchen and there were areas of damaged plasterwork and decoration. The Surveyor Member noted that there was a mechanical extractor fan in the kitchen although it was not operational at the time of inspection. The trickle vent in the window was closed at the time of the inspection.
9. Photographs of the property are shown at Appendix A attached to this decision.

10. The re-inspection report was served on the current Landlord who advised that he was unaware that these repairs were still outstanding and undertook to have any necessary works done within a couple of weeks. It may be that a proper specialist inspection is required. In the whole circumstances, given that the current Landlord has carried out some work to the property, the Committee agreed to allow a Variation of the Order to give the current Landlord a further period of two months to complete the work.
11. The Committee however was concerned that the Order on this property has been outstanding for a considerable period of time and that there are currently Tenants living in the property in breach of the Repairing Standard Enforcement Order which is currently in force. The Committee would accordingly strongly recommend that the current Landlord has these matters dealt with as a matter of urgency.

Right of Appeal

12. **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

13. 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.

J Lea

Signed:

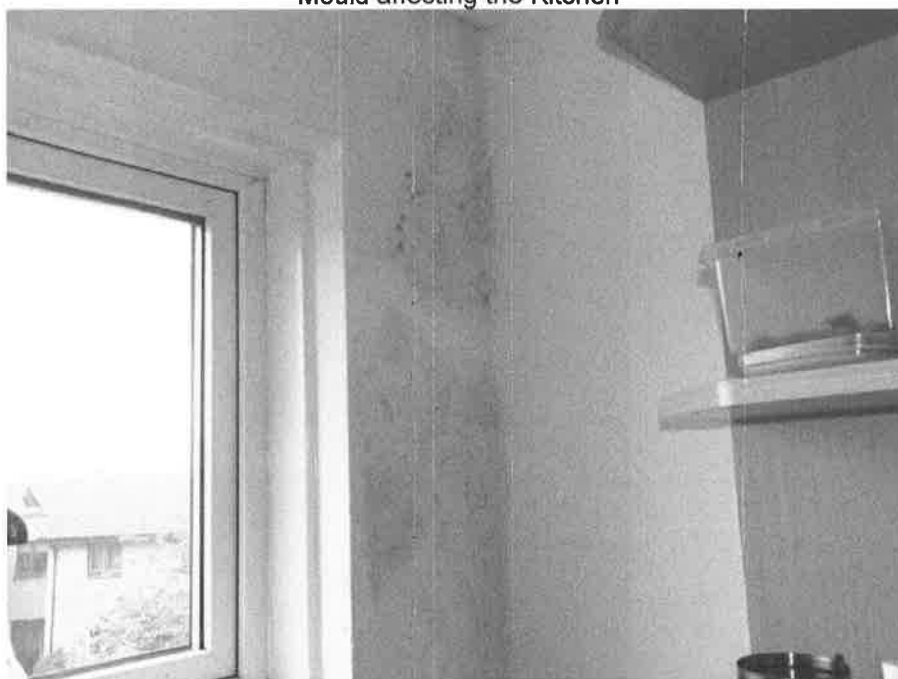
Date: 29 June 2016

APPENDIX A

Shower Room



Mould affecting the Kitchen



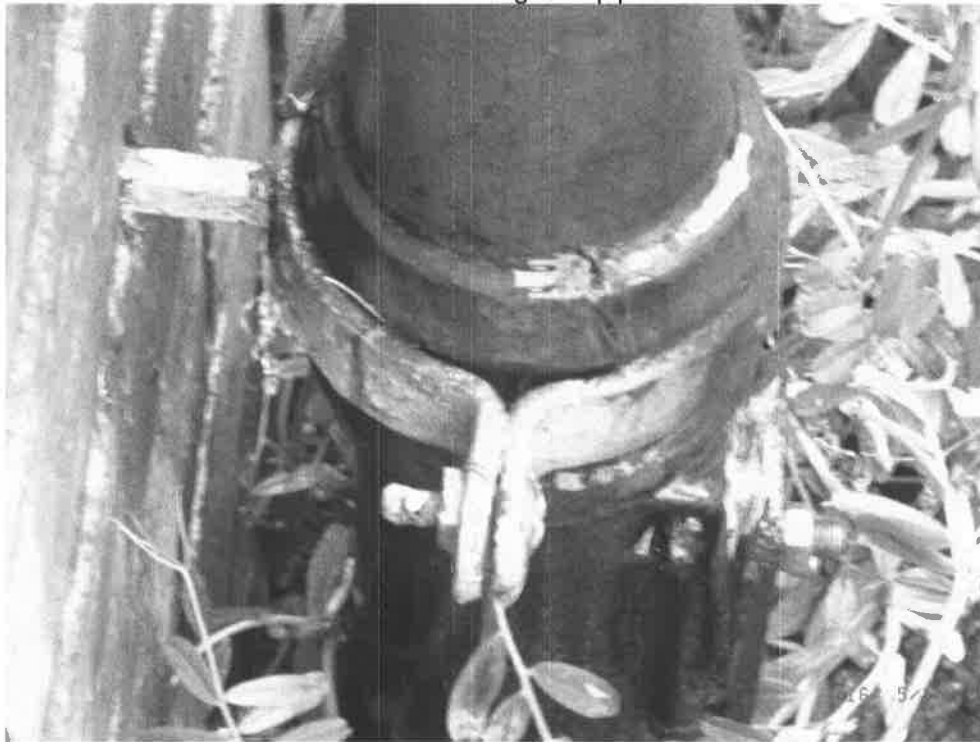
Damaged Plasterwork and Decoration in Kitchen



Dampness affecting exterior wall



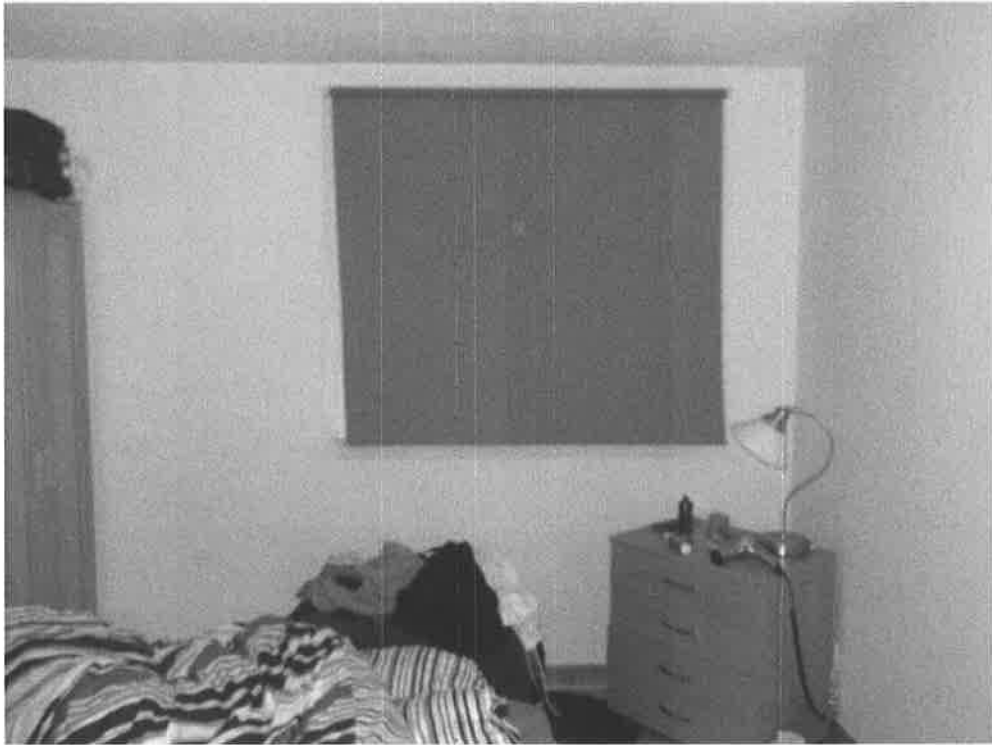
Choked/leaking drainpipe



Lounge



Bedroom



J Lea

Signed:

Judith Lea