



**Certificate of Completion of Work
Issued by the Private Rented Housing Committee
Under section 60 of the Housing (Scotland) Act 2006**

Title No. ROX666

PRHP/TD5/108/11

Re: The residential dwelling house at

**6 Fairnington Farm Cottages, Maxton, Kelso, TD5 8NT
("the Property")**

The Parties:-

**Mr and Mrs Hugh Tawse resident at the Property
("the Tenants")**

and

**Mr Nigel Stuart Salvesen, Fairnington House, Maxton, Kelso, TD5 8NT
("the Landlord")**

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 6 October 2011 relative to the Property has been completed. Accordingly the RSEO 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 typewritten on this page is subscribed by Ronald G Handley, Solicitor, chairperson of the Private Rented Housing Committee at Dunbar on the 30 December 2011 before this witness:-

 Jane Handley witness R G Handley chairperson

 JANE HANDLEY name in full

 COLLEGE MANAGER occupation

 23 LESLIE WAY

 DUNBAR

 EH42 1GP address



Statement of Reasons The Private Rented Housing Committee

PRHP/TD5/108/11

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Maxton
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TD5 8NT
("the Property")**

The Parties:-

**Mr and Mrs Hugh Tawse resident at the Property
("the Tenants")**

and

**Mr Nigel Stuart Salvesen
Fairnington House
Maxton
Kelso
TD5 8NT
("the Landlord")**

The Committee comprised:

**Mr Ron Handley – Chairperson
Mr George Campbell – Surveyor
Mr Jim Riach – Housing Member**

The Committee's Decision

The Committee, having made such enquiries as it saw fit unanimously determined that the Landlord had complied with the requirements of the Repairing Standard Enforcement Order dated 6 October 2011 ("the RSEO") and the Committee now discharges the RSEO.

The Background

1. On 21 May 2011 the Tenants applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Act.
2. Following receipt of the application, the President of the PRHP intimated that the application should be referred to a Private Rented Housing Committee in accordance with Section 22(1) of the Act.

The Application

3. In their application the Tenants submitted that the Landlord had failed to comply with his duty to ensure that the Property met the Repairing Standard (as defined in the Act). It was suggested that the Landlord had failed to ensure that the Property was wind and water tight and in all respects reasonably fit for human habitation.
4. In particular the Tenants submitted in their Application Form that there was dampness in the living room and in the downstairs bedroom.

The Inspection

5. The Committee inspected the Property on 29 September 2011 at 11.00am. The Tenants and the Landlord were present at the inspection.

Findings

6. The Committee found the following facts to be established:
 - The Property was a two storey terraced cottage built of stone with a slated roof. The accommodation on the ground floor comprised a kitchen, living room and bedroom.
 - There was dampness in the rear wall in the living room and the ground floor bedroom and on the west (left) wall of the bedroom (assumed chimney breast).
 - The Property was not water tight and did not meet the standard set out in section 13(1)(a) of the Act.
 - The Landlord had instructed a Survey Report and estimate for the treatment of rising damp.

Decision

7. The Committee determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act.

8. The Committee proceeded to make a RSEO as required by section 24(1) of the Act.

The RSEO

9. The RSEO required the Landlord to:-
 - (a) carry out such works as were necessary to ensure that the dampness was eradicated in the rear wall in the living room and the rear and west wall in the ground floor bedroom and;
 - (b) make good any damage to the plasterwork and the decorations resulting from the remedial works carried out in accordance with the RSEO.
10. On 23 December 2011 the Committee received written intimation from the Tenants and the Landlord that the works required by the RSEO had been fully completed. Following consideration of the written intimation, the Committee unanimously decided that the RSEO should be discharged.

Right of Appeal

11. A Landlord(s) or Tenant aggrieved by the decision of a PRHP Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of section 63

12. 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. 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 **R G Handley** Date **30 DECEMBER 2011**
Chairperson