

**Statement of Decision of the Private Rented Housing Panel**  
**under the Housing (Scotland) Act 2006**

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PRHP Reference: PRHP/AB25/12/10

Property at 1G Lamond Place, Aberdeen, AB25 3UT ("the Property")

The Parties:-

William Dunn, residing at 1G Lamond Place, Aberdeen, AB25 3UT ("the Tenant")

and

A & J Investments (Scotland) Limited, a company incorporated under the Companies Acts (SC260180) and having its Registered Office at Ruach, Inverugie, Peterhead, AB42 3DE ("the Landlord"), represented by Ms Monika Miara of Messrs Martin & Co, Letting Agents, 123 Rosemount Place, Aberdeen

**DECISION**

The Committee having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") by the Committee, taking account of subsequent inspections by the Committee, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

**BACKGROUND**

1. By way of a Decision dated 25 March 2010 the Private Rented Housing Panel had issued a determination that the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Committee had placed an RSEO on the Property also dated 25 March 2010. The RSEO required the Landlord to:-
  - (a) to carry out such works as are necessary to the roof and gable end of the larger tenement building of which the Property forms part sufficient to render the Property wind and watertight and to prevent further water ingress;
  - (b) to redecorate the ceiling within the sitting room of the Property to an appropriate standard;
  - (c) to dehumidify and dry the Property to an appropriate level in order that all damage to the walls in the sitting room, bedroom and kitchen can be made good and the walls redecorated;

- (d) to replace all furnishings, carpets, etc., damaged by water ingress to the Property.
3. Mr Mark Andrew, the Surveyor Member of the Committee reinspected the Property on 30 April 2010 and was accompanied by the Landlord's agent. The Property had been redecorated and re-carpeted and the new ceiling had been properly installed and decorated. An inspection of the roof space indicated there had been no further water ingress since the date of the original Committee inspection. However the moisture levels in the bedroom walls were extremely high (100% in places) and the kitchen gable walls were also still very damp. Whilst they had been repainted, it did not appear to the Surveyor Member that the underlying issues had been addressed.

A further inspection was carried out on 7 June 2010 and the bedroom wall was still found to be very damp. The Surveyor Member advised the Landlord that in order to properly address this the plasterboard may need to be stripped back and replaced. A final inspection was carried out by the Surveyor Member on 16 June 2010. There was still two very small areas of damp on the gable wall of the living room. These were very small in size (around 50mm x 50mm) and were at the higher wall level. The Committee did not consider these to be sufficient to warrant any further action. The bedroom wall and the rest of the lounge walls were now largely free of damp. There were one or two minor areas of damp within the kitchen gable wall but after discussion the Committee were satisfied that these were not sufficient to render the Property unfit in terms of the repairing standard. The Surveyor Member had again carried out an inspection of the flat roof over the living room which still showed no signs of water ingress. The Committee were aware that there were still larger works that would be required to the Property and the rest of the tenement in terms of the Serious Disrepair Notice by Aberdeen Council. However the Property itself now appeared to be free of damp and water ingress and had been properly redecorated. On that basis the Committee were satisfied on the advice of the Surveyor Member that the Property now met with the repairing standard and accordingly decided to issue a Certificate of Completion discharging the RSEO under Section 60 of the Housing (Scotland) Act 2006.

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.

**E Miller**

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Signed  
Chairperson

Date 1/7/2010



**Certificate of completion of work**

**Issued by the Private Rented Housing Committee**

**Under section 60 of the Housing (Scotland) Act 2006**

prhp Ref: PRHP/AB25/12/10

Re : Property at 1G Lamond Place, Aberdeen. AB24 3UT ("the Property")

Title No: ABN35240

The Parties:-

**A&J Investments (Scotland) Limited** a company incorporated under the Companies Acts (Company Number SC260180) and having its Registered Office at Ruach, Inverugie, Peterhead, AB42 3DE ("the Landlord")

**William Dunn**, residing at 1G Lamond Place, Aberdeen , AB23 3UT ("the Tenant")

**CERTIFICATE OF COMPLETION**

The Private Rented Housing Committee hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on 25 March 2010 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property 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 type written on this and the preceding page(s) 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 25 June 2010 before this witness:-

**L Johnston**

witness

**E Miller**

Chairman

Lindsay Johnston  
Whitehall House  
33 Yeaman Shore  
Dundee  
DD1 4BJ

Legal Secretary