



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: prhp/RP/13/0048

Re : Property at 15 Belmont Street, Newtyle, Blairgowrie, PH12 8UE ("the Property")

Sasine Description: ALL and Whole the dwellinghouse and others known as 15 Belmont Street, Newtyle in the County of Angus, being part and portion of the lands and estates of Newtyle (otherwise Kinpurnie) and others in the Counties of Angus and Perth referred to in (1) Notarial Instrument in favour of the Trustees for Sir William Cayzer, Bart., recorded in the Division of the General Register of Sasines applicable to the County of Angus on 28 November 1917 and delineated and coloured pink on the plan annexed to Disposition in favour of Sir Charles William Cayzer, Bart., recorded in the said Division of the General Register of Sasines on 24 November 1903; (2) Notarial Instrument in favour of the Trustees for Sir Charles William Cayzer, Bart., recorded in the said Division of the General Register of Sasines on 29 November 1917; and (3) Disposition in favour of James Arthur Cayzer recorded in the said Division of the General Register of Sasines on 8 May 1957.

The Parties:-

The Executors of the late James Arthur Cayzer (represented by their agent, Nigel Cayzer, c/o Kinpurnie Estate Office, Newtyle, Angus PH12 8TT ("the Landlord"))

Daryll Rennie, sometime residing at 15 Belmont Street, Newtyle, Blairgowrie PH12 8UE ("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 dated 3 September 2014 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 typewritten on this page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 14 September 2015, before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

V Clark

witness

G Clark chairman



Statement of decision of the Private Rented Housing Committee under Section 60 of the Housing (Scotland) Act 2006

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Re : Property at 15 Belmont Street, Newtyle, Blairgowrie PH12 8UE ("the Property")

The Parties:-

Daryll Rennie, residing sometime at 15 Belmont Street, Newtyle, Blairgowrie PH12 8UE ("the Tenant")

and

The Executors of the late Sir James Arthur Cayzer, Bart, per their representative, Nigel Cayzer, c/o Kinpurnie Estate Office, Newtyle, Angus PH12 8TT, represented by his agents CKD Galbraith LLP, Lynedoch House, Barossa Place, Perth PH1 5EP ("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 duty imposed by Section 14 (1)(b) in relation to the Property, determined that the Landlord had completed the works required by the Repairing Standard Enforcement Order in respect of the Property dated 3 September 2014 and had complied with the duty imposed by Section 14 (1)(b) of the Act.

Background

1. By application dated 4 June 2013 and received by the Private Rented Housing Panel ("the Panel") on 4 July 2013, the Tenant applied to the Panel for a determination of whether 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 application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:-
 - (a) the house is wind and water tight and otherwise fit for human habitation,
 - (b) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
 - (c) any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order,
3. The Private Rented Housing Committee inspected the Property on the morning of 3 September 2014. The Committee comprised George Clark (Chairman), Mike Links (surveyor member) and David Hughes-Hallett (housing member). Following the inspection of the Property the Private Rented Housing Committee held a hearing at the Angus Hotel, Wellmeadow, Blairgowrie.
4. Following the hearing, the Committee issued a Repairing Standard Enforcement Order, requiring the Landlord:-

- (a) to carry out such works as are necessary to make the front entrance door of the Property wind and water tight ;
- (b) to instruct a suitably qualified dampproofing specialist to investigate the cause of rising damp in the gable wall of the understairs storage area in the Property and thereafter carry out such works as the specialist may recommend in order to eradicate the rising damp; and
- (c) to instruct a suitably qualified roofing contractor to investigate the cause of penetrating damp in the party wall adjacent to the chimney breast in the two upstairs bedrooms in the Property, thereafter to carry out such works as are necessary to make the Property wind and water tight, and to make good plasterwork in the bedrooms and redecorate as necessary.

The Order specified that the work should be carried out within four weeks of the service of the Order on the Parties.

Summary of the issues

5. On 24 November 2014, the surveyor member of the Committee reinspected the Property. He reported to the Committee that draught proofing work had been done at the front door of the Property, but that daylight could be seen between the bottom of the door and the door frame. This might allow draughts. He further reported that a report from Martin Property Care Limited had identified wet rot in the joists in the understairs storage area and recommended full treatment to this area to include overlaying the solum with heavy duty polythene damp proof membrane and replacing wallplates, joists and flooring. This work had been done and a Guarantee had been issued. The report had also identified the presence of dampness in the lath and plaster in the understairs storage area, but had concluded that it was not caused by rising damp. No remedial work had subsequently been carried out in this area. A report had been obtained from Peter M Drummond Limited, recommending repair works to the chimneyhead. The surveyor member of the Committee could not determine whether or not the works had been carried out, but the dampness in the bedroom walls was still evident.
6. On 4 September 2015, the Landlord's agent, CKD Galbraith LLP, advised the Committee that the work required by the Repairing Standard Enforcement Order had been completed.
7. On 12 September 2015, the surveyor member of the Committee reinspected the Property. The Landlord was represented at the reinspection by its agent's tradesman, Mr Stuart Cairns. The surveyor member reported to the Committee that a chemical injected damp proof course had been installed into part of the lower section of the gable wall and a section of the rear wall. Sections of the internal plasterwork had been renewed. Although damp readings were still recorded in the understairs storage area, the surveyor member was of the opinion that the drying out process was not yet complete, the work having been undertaken approximately three weeks prior to the reinspection. Mr Cairns had told the surveyor member that extensive repair works had been undertaken to the external fabric of the Property to prevent water penetration. In addition, the defective plaster had been removed and new drylined plaster installed in both bedrooms at the party wall. The surveyor member could not detect any signs of internal dampness at those locations. No further work had been carried out to the front door of the Property since the reinspection on 24 November 2014, but Mr Cairns advised the surveyor member of the Committee that this work was scheduled to take place in the next few days.

Summary of the issues

The issues to be determined were whether the Landlord has carried out the works required by the Repairing Standard Enforcement Order in respect of the Property dated 3 September 2014 and whether the Landlord had complied with the duties imposed on landlords by Section 14(1)(b) of the Act.

Reasons for the decision

8. The Committee was satisfied from the surveyor member's report that the Landlord had completed the works required by the Repairing Standard Enforcement Order, with the exception of minor finishing works required to make the front door of the Property wind and water tight. The Committee accepted the reassurance given by Mr Cairns at the reinspection that this work would be carried out within the next few days and, as it was so minor in nature, was prepared to certify that the works required by the Repairing Standard Enforcement Order dated 3 September 2014 had been carried out to the Committee's satisfaction and that the Landlord had complied with the duty imposed by Section 14 (1)(b) of the Act.
9. The Committee noted with concern the fact that the Property was occupied at the time of the reinspection on 12 September 2015. This meant that the Property had been re-let by the Landlord whilst a Repairing Standard Enforcement Order was in effect in relation to the Property. This constitutes an offence under Section 28(5) of the Housing (Scotland) act 2006.
10. The decision of the Committee was unanimous.

Right of Appeal

11. 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

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, 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.

Signed **G Clark** Date 14 September 2015
Chairperson