



## **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/13/0068**

**Re : North Cottage, Crofts of Dipple, Fochabers IV32 7LL ("the Property")**

**Sasine Description:** ALL and Whole that area of ground extending to 0.107 hectares or thereby, with the dwellinghouse and others erected thereon known as North Cottage, Crofts of Dipple, Fochabers in the County of Moray, being the subjects more particularly described in and in feu farm disposed by Feu Disposition by the Crown Estate Commissioners in favour of William Alexander McKay, dated 21 and recorded in the Division of the General Register of Sasines applicable to the County of Moray 30, both days of April 1986.

### **The Parties:**

**Ronald Proctor, North Cottage, Crofts of Dipple, Fochabers IV32 7LL ("the Tenant"); and**

**William Alexander McKay, Tombain, Crofts of Dipple, Fochabers IV32 7LL ("the Landlord")**

**NOTICE TO WILLIAM ALEXANDER McKAY ("the Landlord")**

## **CERTIFICATE OF COMPLETION**

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 7 November 2013 and served on the Parties on 5 December 2013, 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 8 March 2016, before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

V Clark

witness

G Clark

chairman



## **Notice of Revocation of Rent Relief Order**

**Issued by the Private Rented Housing Committee**

**Under Section 27(4)(b) of the Housing (Scotland) Act 2006**

**prhp Ref: prhp/RP/13/0068**

**Re : North Cottage, Crofts of Dipple, Fochabers IV32 7LL ("the Property")**

**Sasine Description:** ALL and Whole that area of ground extending to 0.107 hectares or thereby, with the dwellinghouse and others erected thereon known as North Cottage, Crofts of Dipple, Fochabers in the County of Moray, being the subjects more particularly described in and in feu farm disposed by Feu Disposition by the Crown Estate Commissioners in favour of William Alexander McKay, dated 21 and recorded in the Division of the General Register of Sasines applicable to the County of Moray 30, both days of April 1986.

### **The Parties:**

**Ronald Proctor, North Cottage, Crofts of Dipple, Fochabers IV32 7LL ("the Tenant"); and**

**William Alexander McKay, Tombain, Crofts of Dipple, Fochabers IV32 7LL ("the Landlord")**

### **NOTICE TO WILLIAM ALEXANDER McKAY ("the Landlord")**

Considering that the Private Rented Housing Committee issued a Notice under Section 60 of the Housing (Scotland) Act 2006, dated 8 March 2016, certifying that the work required by the Repairing Standard Enforcement Order relative to the Property made on 7 November 2013, has been completed, therefore in terms of Section 27(4)(b) of the Housing (Scotland) Act 2006 the Committee hereby revokes the Rent Relief Order in relation to the Property made on 4 July 2014 and that with effect from the date specified in Sections 63(4) and (5) of the Housing (Scotland) Act 2006, being 28 days after the last date on which this decision may be appealed.

**A landlord or 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 this 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 8 March 2016 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**

**prhp Ref: prhp/RP/13/0068**

**Re : Property at North Cottage, Crofts of Dipple, Fochabers IV32 7LL ("the Property")**

**The Parties:-**

**Ronald Proctor, North Cottage, Crofts of Dipple, Fochabers IV32 7LL ("the Tenant")**

**William Alexander McKay, Tombain, Crofts of Dipple, Fochabers IV32 7LL ("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 Repairing Standard Enforcement Order made by the Committee on 7 November 2013 in relation to the Property, determined that the Landlord had complied with the Repairing Standard Enforcement Order and that the Order should be discharged and the Rent Relief Order in respect of the Property, made on 4 July 2014, should be revoked.**

### **Background**

1. By application dated 9 August 2013 the Tenant applied to the Private Rented Housing 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 structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
  - (c) 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,
3. By letter dated 11 September 2013 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee. The Committee comprised George Clark (Chair), Mark Andrew (surveyor member) and John Wolstencroft (housing member).
4. The Private Rented Housing Committee inspected the Property on the morning of 7 November 2013 and subsequently held a hearing at Inchberry Village Hall, Orton, Fochabers and heard from both the Tenant and the Landlord. The Committee determined that the Property did not meet the standard laid down in Section 13 of the Act and that the Landlord had failed to comply with the duties imposed on landlords by Section 14(1)(b) of the Act.

5. The Committee made a Repairing Standard Enforcement Order in respect of the Property on 7 November 2013, requiring the Landlord (1) to instruct a suitably qualified timber and rising Damp specialist to inspect the ground floor timbers of the Property for damage by woodworm and rising damp and thereafter to carry out such works, in accordance with the specialist's recommendations, as were necessary to repair or replace the flooring timbers in such a way as to eliminate the current cause of rising damp in the Property and (2) to install an outfall pipe from the septic tank and backfill the soakaway with suitable material, reinstate the garden ground and carry out such other works as were required to ensure that the septic tank and soakaway system were in a reasonable state of repair and in proper working order. The Repairing Standard Enforcement Order was served on the parties on 5 December 2013.
6. The surveyor member of the Committee re-inspected the Property on 17 April 2014. He reported that the floorboards remained very damp. The soakaway had been infilled and was no longer a danger to the public, but it appeared that the material used was the material that had been excavated and that it had been put back in place without being graded and was likely to fail in the future as a consequence. It appeared that the outfall pipe was a straight exit pipe without a 90 degree upward bend. As a consequence, the septic tank would not work effectively and acts as a holding tank rather than a treatment system and this was likely to cause a premature failure of the soakaway.
7. The Committee re-inspected the Property on the morning of 4 July 2014 and, following a hearing, held at Fochabers Public Institute, Fochabers, determined to issue a Rent Relief Order.
8. The surveyor member of the Committee reinspected the Property on 2 March 2016. He reported to the Committee that the Landlord had completely refurbished the Property. All internal walls had been stripped back and insulated, windows had been replaced, the fireplace had been removed and replaced with an electric fire and an oil-fired central heating system had been installed. Floors had been repaired and replaced and a new laminate floor had been laid in the public rooms and the front porch. The roof had been repaired, the ridge repointed and the Property had been redecorated. Due to the type of laminate flooring, it was not possible to check the flooring beneath, but the surveyor was of the view that as the refurbishment had been very thorough, it was safe to assume that any defects had been repaired. The septic tank and soakaway had been replaced by a new system as part of the refurbishment project and the site of the original septic tank had been cleared and made good. The surveyor's conclusion was that the terms of the RSEO had been complied with.

#### **Summary of the issues**

9. The issues to be determined were whether the Landlord had complied with the Repairing Standard Enforcement Order whether it was appropriate for the Committee to revoke the Rent Relief Order.

#### **Findings of Fact**

10. The Committee finds that the work required by the Repairing Standard Enforcement Order has been carried out.

#### **Decision**

11. The Committee accordingly determined that the Landlord had complied with the Repairing Standard Enforcement Order issued on 7 November 2013 and that the Order should be discharged and the Rent Relief Order should be revoked.
12. The decision of the Committee was unanimous.

### **Right of Appeal**

13. **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**

14. 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.

G Clark

Signed.....Chairperson 8 March 2016