



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/13/0074

Re: Property at 14a Balnakeil, Durness, Sutherland, IV27 4PT ("the Property")

Sasine Description: ALL and WHOLE the subjects known as and forming 14 Balnakeil Craft Village, Durness being the subjects more particularly described in Feu Disposition to Jack Macpherson and another recorded in the Division of the General Register of Sasines for the County of Sutherland on 24 July 1981

The Parties:-

MISS LINDA TURTLE formerly residing at 14a Balnakeil, Durness, Sutherland, IV27 4PT ("the Tenant")

MISS LESLEY SMITH residing at 14 Balnakeil, Durness, Sutherland, IV27 4PT ("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 dated 20 January 2014 as subsequently varied and extended 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 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 30 November 2015 before this witness:-

Ewan Miller

Chairman

Claire Robertson

Claire Robertson
Secretary
Thorntons Law LLP
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ



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

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Re: Property at 14a Balnakeil, Durness, Sutherland, IV27 4PT ("the Property")

The Parties:-

MISS LINDA TURTLE formerly residing at 14a Balnakeil, Durness, Sutherland, IV27 4PT ("the Tenant")

MISS LESLEY SMITH residing at 14 Balnakeil, Durness, Sutherland, IV27 4PT ("the Landlord")

Decision

The Private Rented Housing Committee, having made such enquiries as was appropriate for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and taking account of the subsequent re-inspection of the Property by the Committee, determined that the Landlord had now complied with the terms of the RSEO and resolve to issue a Certificate of Completion in respect of the works required by the RSEO.

Background

1. By way of a decision dated 20 January 2014, the Private Rented Housing Committee 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 20 January 2014. The RSEO required the Landlord:-
 - (a) To install a proper step to the rear of the Property and to remove the concrete currently present in order to meet the repairing standard.
 - (b) To replace the broken pane of glass in the main bedroom of the Property and to carry out such works of repair or replacement to the windows at the rear of the Property sufficient to render them properly wind and watertight and otherwise compliant with the repairing standard. The said works would also require to identify the cause of damp ingress within the Property and would include such works as were necessary to prevent further damp ingress.
 - (c) To carry out such works of repair or replacement to the gutters and external pipes at the Property sufficient to render them in proper working order and compliant with the repairing standard.
 - (d) To carry out such works of repair and replacement to the drainage system at the rear of the Property serving both the kitchen and bathroom sufficient to meet the repairing standard.

- (e) To produce a current Gas Safety Certificate confirming that the gas appliances within the Property are compliant with the repairing standard.
- (f) To carry out such works as are necessary to the electrical systems within the Property to allow a suitably qualified electrician to provide a clear Electrical Installation Condition Report confirming that the systems within the Property are compliant with the repairing standard
- (g) To provide a proper cap on the hot water tank.
- (h) To provide a cover for the cold water storage tank.
- (i) To repair or replace the door to the main bedroom.
- (j) To carry out such works to the flooring within the kitchen to ensure that it is no longer a trip hazard.
- (k) To install a hardwired mains smoke detection system compliant with the relevant regulations and repairing standard.
- (l) To investigate the cause of the damp ingress in the living room at the front of the Property and to carry out such works as are necessary to prevent further damp ingress.

The RSEO gave the Landlord six months to carry out the works required to bring the Property up to the repairing standards.

3. Subsequent to the RSEO being granted, two extensions were given to the Landlord to extend the period for her to carry out the works. The first of these was granted on 30 April 2014 and extended the period until 31 January 2015. The second was granted on 26 March 2015 and extended the period until 30 September 2015.

The Landlord had given sufficient reassurance to the Committee that the Property was not being occupied for residential purposes. The Committee was very aware that the Property was in an exceptionally remote location where it was difficult to get tradesmen to attend to carry out works.

4. In due course, a re-inspection of the Property was arranged and carried out on 19 October 2015 by Mr Colin Hepburn, the Surveyor Member of the original Committee. The Landlord was present and provided access. The former Tenant was neither present nor represented.

The Surveyor reported that the step to the rear of the Property had been repaired and was now at an acceptable standard.

The broken glass in the main bedroom window of the Property had also been repaired. There no longer appeared to be any damp ingress.

Works had been carried out to the gutter and downpipe and these were now in acceptable state of repair.

There did not appear to be any leakage from the drainage pipes.

Appropriate electrical installation condition reports and gas safety certificates were provided by the Landlord.

A cap had now been provided to the hot water tank immersion heater.

The cold water tank had now been boxed in and covered.

The bedroom door had now been repaired and re-hung.

There was no longer any trip hazard within the kitchen as the floor had been re-tiled.

A mains-wired smoke detection system complying with the relevant regulations had now been installed.

Works had been carried out to the windows to the front of the Property to improve them. There did not appear to be evidence of any current damp ingress.

5. The Committee (comprising Mr E K Miller, Chairman and Legal Member, Mr C Hepburn, Surveyor Member and Mr M Scott, Housing Member) discussed the Surveyors re-inspection report (a copy of which is annexed to this decision). The Committee was satisfied that the Landlord had now carried out all the works required. The Property had benefitted from some significant improvements and complied with the relevant standards.

In the circumstances the Committee was satisfied that the RSEO was being complied with and it would be appropriate to grant a Certificate of Completion discharging the RSEO.

Decision

6. The Committee's decision was to lift the RSEO and grant a Certificate of Completion discharging the RSEO.
7. The decision of the Committee was unanimous.

Right of Appeal

8. **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

9. 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 **Ewan Miller** Date..... 7/12/15

Chairperson

Outstanding works:

None noted.

Photographs were taken on the day of inspection and are attached.

Colin F Hepburn MRICS

Date of report: 27th October 2015