



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/13/0094

Re : Property at 59 Shieldhill Road, Carluke ML8 5AL ("the Property")

Sasine Description: ALL and WHOLE that dwellinghouse with garden ground attached, known as 59 Shieldhill Road, Carluke, in the County of Lanark, erected on All and Whole that area of ground, part of the Farm and Lands of Upper Shieldhill, and extending to two hundred and five decimal or one-thousandth parts of an acre or thereby more particularly described in and disposed by Feu Charter by Thomas Young in favour of Scottish Garden City Housing Society Limited, dated 28 January and recorded in the Division of the General Register of Sasines applicable to the County of Lanark 21st February, both 1958.

The Parties:-

The Scottish Veterans' Garden City Association (Inc), a charity registered in Scotland (SC003174) and a company limited by Guarantee, having its Registered Office at New Haig House, Logie Green Road, Edinburgh EH7 4HQ ("the Landlord"); and

Robert Stirrat, 59 Shieldhill Road, Carluke ML8 5AL ("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 1 August 2014, as varied by Notices of Variation dated 15 October 2014 and 5 May 2015, 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 August 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

prhp Ref: PRHP/RP/13/0094

Re : Property at 59 Shieldhill Road, Carluke ML8 5AL ("the Property")

The Parties:-

Robert Stirrat, 59 Shieldhill Road, Carluke ML8 5AL ("the Tenant") and

The Scottish Veterans' Garden City Association (Inc), a Registered Scottish Charity (No. SC003174) and a company limited by guarantee and having its Registered Office at New Haig House, Logie Green Road, Edinburgh EH7 4HQ ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the works specified in the Repairing Standard Enforcement Order in respect of the Property made on 1 August 2014, as varied on 15 October 2014 and on 5 May 2015, had been carried out, determined, in terms of section 60 of the Housing (Scotland) Act 2006, that the work had been completed and that certification to that effect should be issued..

Background

1. By application dated 18 September 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 structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
 - (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.
3. By letter dated 20 May 2014 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.
4. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant.
5. Following service of the Notice of Referral the Tenant (by letters dated 17 June, 22 and 25 July 2014), made written representations to the Committee. The Landlord (by e-mail dated 22 May 2014), made written representations to the Committee.
6. The Private Rented Housing Committee inspected the Property on the morning of 1 August 2014. The Tenant and the Landlord were present during the inspection. The

Committee comprised George Clark (Chairman), Andrew Taylor (surveyor member) and Irene Kitson (housing member)

7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Carluke Community Centre. Having heard evidence from both the Tenant and from the Landlord, the Committee issued a Repairing Standard Enforcement Order ("the Order"), requiring the Landlord (a) to carry out such works as are necessary to the plinth of the demolished external cellar to the rear of the Property as are necessary to restore it to a safe condition, including the installation of suitable safety railings between the plinth and the rear garden ground and (b) to exhibit to the Committee in respect of the Electrical Installation Condition Report for the Property dated 17 December 2013, a clean audit certificate from The National Inspection Council for Electrical Installation Contracting (NICEIC) of that report, following its inspection of the Property on 14 January 2014, or a letter from that body confirming that its audit of that report was satisfactory in all respects.
8. The Committee subsequently received from the Landlord's agent, South Lanarkshire Council a NICEIC Audit Report dated January 2014 and a supporting e-mail from NIEIC dated 15 August 2014, confirming that the audit covered the Property and that the electrical inspection of the Property had been carried out in a satisfactory manner.
9. The surveyor member of the Committee re-inspected the Property on 15 October 2014 and reported that work to the plinth to the rear of the Property had been carried out, restoring the plinth itself to safe condition. A tubular steel barrier had been erected on the plinth, but the barrier, as erected, did not constitute a suitable safety railing for a domestic property, as the gaps between the horizontal elements of the barrier were such that a child might pass through the gaps.
10. Following upon the re-inspection, the Committee issued a Notice of Decision to Vary the Order on 15 October 2014. The Notice required the Landlord to provide a safe barrier in accordance with the Scottish Government Building Standards, Technical Handbook – Domestic 2013, Section 4.0, Paragraph 4.4, taking particular cognisance of Paragraph 4.4.2, which states that "In and around a domestic building gaps in any protective barrier should not be large enough to permit a child to pass through". The Notice ordered that the works specified in the Variation must be carried out and completed within the period of four weeks from the date of service of the Notice.
11. The Tenant advised the Private Rented Housing Panel by letters dated 22 December 2014, 14 February 2015 and 9 March 2015 that the work required by the Repairing Standard Enforcement Order, as varied, had not been carried out.
12. The Committee, comprising George Clark (Chairman) and Andrew Taylor (surveyor member) re-inspected the Property on the morning of 5 May 2015. The Landlord was not present at the re-inspection, but the Landlord's agents, South Lanarkshire Council were represented at the inspection by their Investment Officer, Sheila Young. The Tenant was present at the inspection.
13. The Committee noted that the railing had been adapted by the addition of a further two horizontal bars, but that the gaps between the bars did not comply with the provision of the Technical Handbook that openings in a protective barrier should prevent the passing of a 100mm diameter sphere and that a protective barrier should be designed and constructed so that it cannot be easily climbed by young children.
14. Following upon the re-inspection, the Committee held a hearing at South Lanarkshire Lifestyles, Carluke. The Tenant attended the hearing and was accompanied by his wife, Mrs Ann Stirrat, and his daughter Amanda Stirrat. The Landlord was represented at the hearing by Sheila Young, Investment Officer of South Lanarkshire Council, the Landlord's agents.
15. The Parties advised the Committee that the adaptations to the safety barrier had been carried out approximately one month ago and the Landlord's agents' representative

confirmed that the works were complete. The Committee directed the Landlord's agents' representative to the provisions of the Technical Handbook set out in Paragraph 13 above. The Landlord's agents' representative assured the Committee that further works, possibly comprising the fitting of grills on the inside surface of the barrier would be carried out to ensure that it complied with the Technical handbook and sought a period of up to six weeks for completion of the necessary work. The Tenant confirmed that he would be content with that.

16. Following upon the hearing, the Committee issued a further Notice of Decision to Vary the Order on 5 May 2015 in the following terms: "The Landlord is required to provide a safe barrier to the plinth of the demolished external cellar to the rear of the Property in accordance with the Scottish Government, Building Standards, Technical Handbook – Domestic 2013, Section 4.0, Paragraph 4.4 Design of Pedestrian Protective Barriers, taking particular cognisance of Paragraph 4.4.2, which states that openings in a protective barrier should prevent the passing of a 100mm diameter sphere and that a protective barrier should be designed and constructed so that it cannot be easily climbed by young children."
17. The surveyor member of the Committee reinspected the Property on 14 July 2015. He advised the Committee that wire mesh had been welded to the inside of the barrier to render it compliant with the regulations referred to in paragraph 16 of this Statement of Decision. The Tenant also confirmed, by letter dated 29 July 2015, that the work had been completed. The Committee therefore determined that the work required by the Order, as varied, had been carried out and that a Certificate of Completion should be issued.

Decision

18. The Committee determined that the work required by the Order, as varied, had been carried out and that a Certificate of Completion should be issued.
19. The decision of the Committee was unanimous.

Right of Appeal

20. **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

21. 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.

Signec **G. Clark** Chairperson Date 14 August 2015