



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/13/0134

Re : Property at 105 Cocklaw Street, Kelty, Fife, KY4 0DG ("the Property")

Land Register Title No: FFE1756

The Parties:-

Jacqueline Thomson Kemp, formerly of Balmule Farm, Dunfermline and now at Kinsbarns Equestrian Centre, Westershielhill, Falkirk, FK1 38T ("the Landlord")

Mr Peter Miller and Mrs Linda Miller, 105 Cocklaw Street, Kelty, Fife, KY4 0DG ("the former Tenants")

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 17 April 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 type written on this page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 28 October 2015 before this witness:-

R Graham

witness

J Lea

chairman

Rachel Graham
Unit 3.5 The Granary Business Centre
Coal Road
Cupar, Fife
KY15 5YQ
Paralegal



Statement of facts and reasons for
Decision to grant Certificate of completion of work
Under section 60 of the Housing (Scotland) Act 2006

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Statement of facts and reasons.

Background

1. On 9 April 2014, the Private Rented Housing Committee having determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") issued an Order requiring the Landlord to:
 1. Produce an up to date gas safety certificate and investigate and repair/replace, if necessary, the boiler ignition to ensure that it is in a reasonable state of repair and in proper working order;
 2. Repair/replace the roof covering, gutters and downpipes to ensure that the house is wind and water tight and in all other respects reasonably fit for human habitation and that the structure and exterior of the house are in a reasonable state of repair and in proper working order;
 3. Repair/replace the front door of the property to ensure that the house is wind and water tight;

4. Repair/replace flooring in the hall to ensure that it is in a reasonable state of repair;
 5. Ensure that there is satisfactory provision within the property for detecting fires and for giving warning in the event of a fire or suspected fire.
2. The property was re-inspected by the surveyor member of the Committee on 5 September 2014. The former Tenants were not present as they had vacated the property. Two representatives were present on behalf of the Landlord, Malcolm MacDonald and Abigail Lievesley. It was noted that the Landlord had complied with items 3 and 4 of the Repairing Standard Enforcement Order. In connection with item 1, no up to date gas safety certificate has been produced. A plumber was in attendance during the reinspection examining the central heating boiler to ascertain whether it could be repaired but no work had been carried out at the time of the reinspection.
 3. In connection with item 2 of the Repairing Standard Enforcement Order, the Landlord had carried out some work to the roof and water goods. The felt roof covering the rear pitch above the outrigger has been replaced and so has the guttering on the rear elevation. The surveyor member however had concerns about the work carried out. The felt has not been properly lapped and there is already evidence that water ingress is occurring to the kitchen ceiling. There was brown damp staining apparent on the ceiling. The surveyor member accordingly did not consider that the work carried was sufficient to make the property watertight. It was also clear from the inspection that the downpipe to the rear elevation did not meet the guttering. There was an opening in the guttering where the downpipe should be joined. There is accordingly nothing to stop water gushing from the guttering when it rains. The surveyor member accordingly did not consider that the gutters were in a reasonable state of repair and in proper working order.
 4. In connection with item 5 of the Repairing Standard Enforcement Order, it was clear on reinspection that no work had been carried out to the smoke alarm system in the property. There remains one old style smoke alarm in the internal hall of the property that is not hardwired. The Landlord's representative indicated that the matter would be dealt with in the next week.
 5. The reinspection report was served on the Landlord. No submissions were received from the Landlord but the Landlord phoned on 10 October 2014 stating that she had a gas safety certificate and would email it over. Nothing however was received. The Landlord also indicated that she had sent in submissions but nothing had been received.
 6. On 24 October 2014,, the Private Rented Housing Committee comprising of Mrs Judith Lea, Chairman and Legal Member, Sara Hesp, Surveyor Member and John Blackwood, Housing Member determined that the Landlord had failed to comply with the Repairing Standard Enforcement Order issued by the Committee on 9 April 2014. The Committee also resolved to serve notice of the failure on the local Authority.

7. The Landlord then contacted the Private Rented Housing Panel providing photographs of the work which it was claimed had been done at the property. In the circumstances a re-inspection was arranged.
8. The Surveyor Member of the Committee re-inspected the property on 29 September 2015. The property was vacant and unfurnished. The Landlord was in attendance at the re-inspection.
9. The Surveyor Member noted that the Landlord had now produced the Gas Installation Safety Record which confirmed that the boiler had been serviced and is safe to use. The boiler cover is still missing but this does not appear to be having any detrimental impact on the working of the appliance.
10. The Surveyor Member noted that the kitchen had been re-painted and there was no current sign of any ongoing water ingress.
11. It was also clear from inspection that the guttering has been replaced and the downpipe overhauled and is now in proper working order being joined to the guttering.
12. The Surveyor Member noted that the front door of the property has been replaced and appears to be wind and water tight.
13. The Surveyor Member also noted that the laminate flooring in the hall has been re-laid and is now secure. The Surveyor Member also noted that two new smoke detectors have been installed and the Landlord advised that they are hard wired.
14. Photographs showing the work which has been carried out at the property since the first inspection are shown in the Schedule attached to this decision.
15. In the whole circumstances the Committee is now satisfied that all the works required by the RSEO have been carried out. Accordingly, the Committee decided to grant a Certificate of completion.
16. The Landlord should however ensure that a current gas safety certificate is obtained before the property is re-let.

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.

Where such an appeal is made, the effect of the decision and the Certificate is suspended until the appeal is abandoned or finally determined. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Certificate are to be treated as having effect from the day on which the appeal is abandoned or so determined.

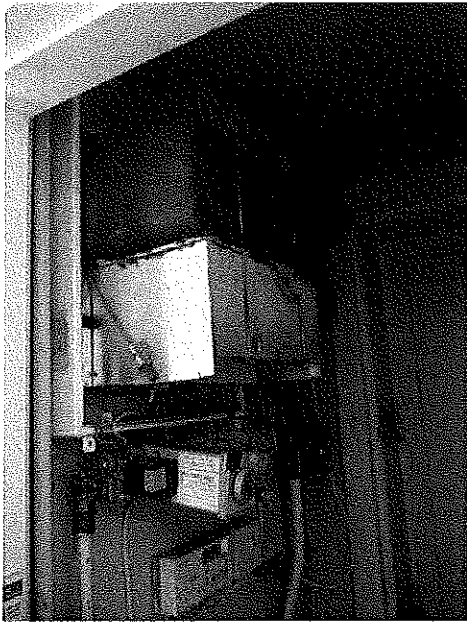
J Lea

SignedDate 28 October 2015
(Judith V Lea, Chairperson)

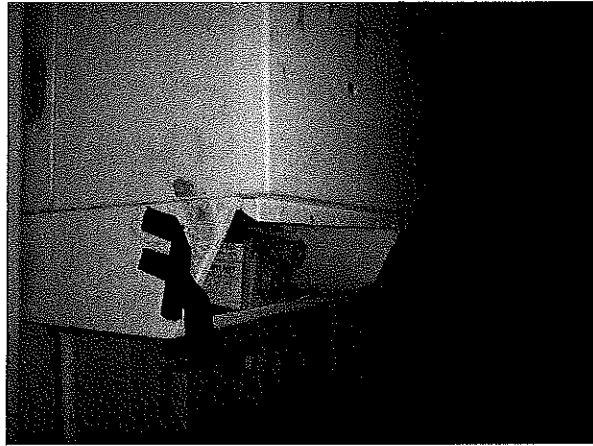
SCHEDULE



Entrance – 20 May 2015



5 September 2014



20 May 2015

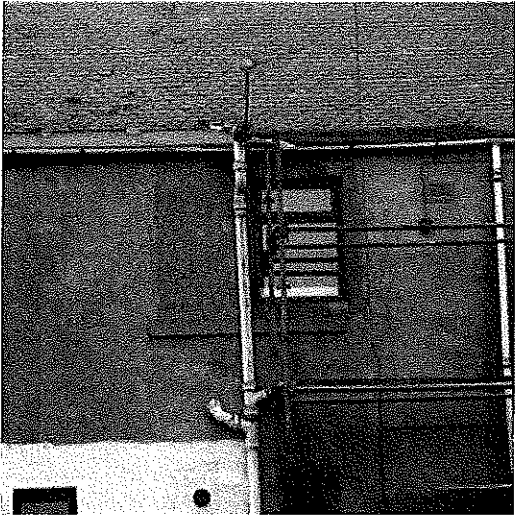
Kitchen



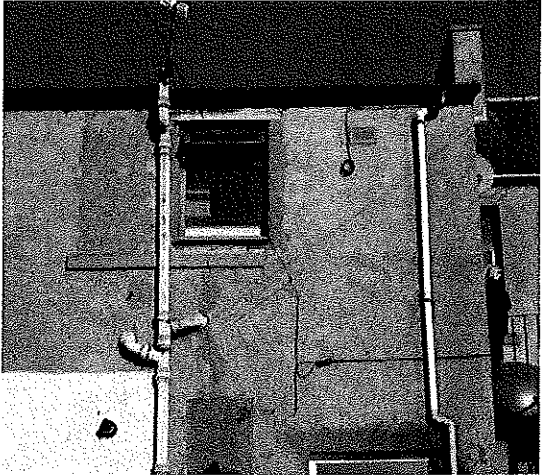
5 September 2014



20 May 2015



Roof and gutters – 31 March 2014



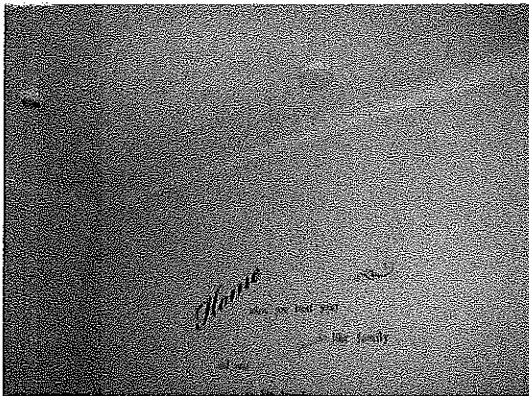
Gutters and downpipe – 29 September 2015



Front door – 31 March 2014



Front door – 5 September 2014



Living room – 20 May 2015



Bedroom – 20 May 2015

J Lea

Signed:

Judith V Lea, Chair