



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/IV15/13/12

Re: Property at 19 West Drive, Dingwall, IV15 9RN

Title No: ROS8371

The Parties:-

Mr and Mrs Richard Merritt residing at 58 Brook Street, Colchester, CO1 2UT (represented by their agent Trish Black of Messrs TSH Burn, Solicitors) ("the Landlords")

Mr and Mrs John Macleod residing at 19 West Drive, Dingwall, IV15 9RN ("the 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 dated 28 March 2012 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 10th August 2012 before this witness:-

L Johnston

_____ witness

E Miller

_____ Chairman

Lindsay Johnston
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

prhp Ref: PRHP/IV15/13/12

Re: Property at 19 West Drive, Dingwall, IV15 9RN

The Parties:-

Mr and Mrs John Macleod residing at 19 West Drive, Dingwall, IV15 9RN ("the Tenants")

Mr and Mrs Richard Merritt residing at 58 Brook Street, Colchester, CO1 2UT (represented by their agent Trish Black of Messrs TSH Burn, Solicitors) ("the Landlords")

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 inspection by the Committee, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

Background

1. By way of a Decision dated 28 March 2012, the Private Rented Housing Committee had issued a Determination that the Landlords 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 28 March 2012. The RSEO required the Landlords:-
 - (a) to carry out such works of repair or replacement as are necessary to the front facing lounge window to ensure that the upper right casement part of the window can be properly opened and closed without the use of excessive force and otherwise meets the repairing standard;
 - (b) to carry out such works of repair or replacement as are necessary to the front door of the Property to ensure that it is capable of being opened and closed smoothly, is properly wind and watertight and capable of locking without undue difficulty;
 - (c) to carry out such works of repair or replacement as are necessary to the concrete shed within the Property to render it properly wind and watertight.
3. A re-inspection of the Property was carried out by the Surveyor Member of the original Committee. The inspection was carried out on 29 June 2012. A representative from the Landlords' agent was present. The Landlords were not present. The Tenants were not present having vacated the Property since the date of the original inspection.

The Surveyor subsequently reported to the Committee that repairs had been undertaken to the lounge window and front door of the Property which meant they could now be

opened and closed without undue difficulty and were properly wind and watertight. Accordingly the first two items within the RSEO appeared to have been competently dealt with. The repairs to the concrete shed had not been dealt with. Now that the original tenancy had been terminated and the Tenants removed the Surveyor Member was advised by the Landlords' agents that they did not intend to include the concrete shed within any future lease of the Property.

4. The Committee considered the results of the re-inspection. The Committee were satisfied that items (a) and (b) of the RSEO had been met. The Committee then considered the position in relation to the concrete shed. The Surveyor Member was of the opinion that, having been able to carry out a fuller investigation in the shed now that it was empty, that it would be inordinately expensive to carry out any meaningful repair work. The shed was dated and if it was being excluded from the lease in future then this should not cause a difficulty. The Committee noted that there was another shed at the Property that was wind and watertight and could be utilised by a tenant. The Committee were satisfied that the issue of the concrete shed was a relatively small matter and, given the Tenants had removed from the Property in any event, it would not be in the public interest to continue with the matter and accordingly the Committee resolved that the Repairing Standard Enforcement Order would be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act would be granted.

Decision

5. The decision of the Committee was unanimous.

Right of Appeal

6. **A Landlords or Tenants 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

7. 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 **E Miller** Date..... *10/8/12*
Chairperson