

Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

Prhp Ref: FK8/138/11

Re : Property at Braehouse Touch, Stirling, FK8 3AH being All and Whole the dwelling house known as and forming Braehouse, Touch, FK8 3AH lying in the County of Stirling, being part and portion of the subjects more particularly described in the disposition in favour of Patrick Bury Buchanan dated Third day of October, nineteen hundred and fifty five and registered in the Division of the General Register of Sasines for the County of Stirling on eight day of February, nineteen hundred and fifty six (search sheet 1356/6293) ("the Property")

The Parties:-

Mr & Mrs Alistair Miller Braehouse Touch, Stirling. ("the Former Tenants")

Touch Trust, Touch House, Touch Estate by Stirling. Represented by William Anderson of Managed Estates, 1 Springkerse Road, Stirling ("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 served on 2 May 2012 and varied on 15 January 2013 and 16 July 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 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 2 October 2013 before this witness:-

R Graham

witness

J Lea

chairman

Rachel Graham
Unit 3.5, The Granary Business Centre
Coal Road
Cupar
Fife

Determination by the Private Rented Housing Committee

Statement of decision of the Private Rented Housing Committee under Section 25 of the Housing (Scotland) Act 2006

Prhp Ref: FK8/138/11

Re : Property at Braehouse Touch, Stirling, FK8 3AH being All and Whole the dwelling house known as and forming Braehouse, Touch, FK8 3AH lying in the County of Stirling, being part and portion of the subjects more particularly described in the disposition in favour of Patrick Bury Buchanan dated Third day of October, nineteen hundred and fifty five and registered in the Division of the General Register of Sasines for the County of Stirling on eight day of February, nineteen hundred and fifty six (search sheet 1356/6293) ("the Property")

The Parties:-

Mr & Mrs Alistair Miller Braehouse Touch, Stirling. ("the Former Tenants")

Touch Trust, Touch House, Touch Estate by Stirling. Represented by William Anderson of Managed Estates, 1 Springkerse Road, Stirling ("the Landlord")

Background

1. On 1 May 2012, the Private Rented Housing Committee issued a decision requiring the Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 1 May 2012.
2. On 19 December 2012 the surveyor member of the Committee re-inspected the property. The Landlord was present. The Former Tenants were not in attendance and are no longer living in the property
3. The surveyor member noted that none of the works required in terms of the Repairing Standard Enforcement Order had been undertaken and all the works remained outstanding.
4. The surveyor's report was sent to the Landlord for his comments
5. The Landlord sent a letter advising that the Former Tenants had left the property on 10 May 2012 and the property had been unoccupied since. The Landlord confirmed that contractors had been engaged and a building warrant obtained for works to the house. The Landlord provided the building warrant drawings for the proposed work and advised that the building work would address all the issues raised in the Repairing Standard Enforcement Order and that the work should be completed within three months.
6. Given that the property was not occupied at that time, the Committee granted a Variation of the Repairing Standard Enforcement Order to allow the Landlord until the end of April 2013 to complete the work.
7. On 12 June 2013 the surveyor member of the Committee re-inspected the property. The Landlord was not present or represented. A new Tenant granted access to the property.
8. The surveyor member noted that:

- 1) the flooring in the front left bedroom appeared to have been repaired
 - 2) the original sash and case windows had been repaired and re-decorated and the doors has been redecorated
 - 3) localised repairs had been carried out to the rain water fittings
 - 4) minor re-pointing had been carried out in places
 - 5) Various repairs have been carried out to the roof covering and the kitchen roof has been re-slatted.
9. The surveyor member however noted that although the property had been redecorated there was nothing to suggest that the dampness, which was apparent within the property, had been treated by a specialist and nothing to suggest that the woodworm within the roof timbers had been treated by a specialist. The surveyor member also noted that there were still some sections of guttering missing, there was no sign of insulating works having been carried out to the water supply and that there were still extensive areas of boundary wall which were damaged and in an unsafe condition.
10. The surveyor's report was sent to the Landlord for his comments. The Landlord advised that over £55K had been spent on the property with the ceilings, floors and joists replaced and treated, the kitchen outshot re-roofed and re-slatted, a new bedroom created, a new bathroom installed, new window openings installed, windows repaired, kitchen enlarged, new kitchen tiled, new lights installed. The house had been re-wired, the chimneys have been capped, fireplace removed, new floor coverings, carpets, linoleum and hardwood floors installed. The entire house had been re-decorated inside and out, the car park has been landscaped and the access road re-surfaced. The Landlord advised that the drystone waller should be on site within the next fortnight and that a plumber was to insulate the water pipe when he had time, prior to the cold weather. The Landlord also enclosed bill of quantities, building warrant and drawings.
11. The Committee accepted that the Landlord had carried out extensive works at the property. There were however still a number of works required by the Repairing Standard Enforcement Order that had not yet been undertaken. The Landlord had indicated that the flooring and timbers had been treated and replaced but had not provided the necessary paperwork to show that this is the case. The Committee were concerned that the property had been re-let while there were outstanding matters contained with the Repairing Standard Enforcement Order that had not been completed. This is a criminal offence in terms of Section 28(5) of the Housing (Scotland) Act 2006.
12. Given however that the Landlord had carried out a lot of work at the property, the Committee considered it reasonable to allow a variation of the Order to give the Landlord a further 6 weeks to complete all the works prior to taking the step of reporting matters to the procurator fiscal.
13. The Private Rented Housing Committee (comprising Mrs Judith Lea, Chairman and Legal Member and David Godfrey, Surveyor Member) re-inspected the property on 26 September 2013. The Landlord's Agent Mr Anderson was present to represent the Landlord. The new Tenant provided access to the property.
14. Following the re-inspection of the property the Private Rented Housing Committee held a hearing at Stirling Enterprise Park, Stirling. The Landlord's agent, Mr Anderson was present and made representations on behalf of the Landlord.
15. Mr Anderson advised that the property has been stripped back and gutted with ceiling and floor timbers replaced. A new kitchen has been installed and the woodworm in the property has been sprayed. The fireplace in the front left bedroom has been removed and ventilated, the chimney capped and the flooring replaced. Mr Anderson stated that the property had been done up to a good standard and confirmed that the gutters and downpipes had been fixed or replaced where necessary. The stone walls

had been made safe and the water pipe had been lagged. Mr Anderson explained that the drystone waller was to come and completely sort all the walls next summer.

16. The Committee took damp meters readings in the kitchen and the front left bedroom which were all within acceptable tolerances. Given this and the terms of the specialist's report from WS Dunsire provided by the Landlord, the Committee was satisfied that the damp problem in these areas had now been rectified. The Committee also noted from the specialist's report from WS Dunsire that the roof has been completely replaced over the kitchen area and that all the roof timbers in the house have been sprayed to treat woodworm.
17. It was also clear from inspection that the missing sections of the gutters have been replaced and the Committee was satisfied that the gutters and downpipes have been repaired/replaced as necessary. It was also clear that the pipe which crosses the burn has now been insulated as required.
18. In connection with the boundary walls, it is clear that the Landlord has done extensive repair work to make these safe. The walls are now in a much improved condition. The Landlord's agent indicated that a drystone waller would be coming to the property next summer to completely overhaul the walls. The Committee considered, given the work already done and taking account of the age and character of the property and the rural location in which it is situated that it would not be necessary for any further work to be done before a Certificate of Completion was issued.
19. In the circumstances the Committee considered that all the work required by the Repairing Standard Enforcement Order has been carried out and the terms of the Repairing Standard Enforcement Order have been met.
20. The Committee was accordingly prepared to grant a Certificate of Completion.

Right of Appeal

21. **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

22. 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.

J Lea

Signed Date...2 October 2013
Chairperson