



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/14/0006

Re : Property at 4 Cairn Avenue, Nairn, IV12 4TG ("the Property")

Sasine Description: ALL and WHOLE the property known as and forming 4 Cairn Avenue, Nairn being the subjects described in the Feu Disposition by Scottish Homes to Richard Davies and Suzanne Davies recorded in the Division of the General Register of Sasines for the County of Nairn on 24 January 1996.

The Parties:-

MISS KAREN WALKER residing at 4 Cairn Avenue, Nairn, IV12 4TG ("the Tenant")

MR RICHARD DAVIES and SUZANNE CLAIRE DAVIES, Spouses c/o E2W Property Management 108 High Street, Nairn, represented by their agent Mr David Brown of E2W Property Management ("the Landlords")

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 29 April 2014, 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 6 July 2015 before this witness:-

L Johnston

E Miller

___ witness

___ 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/RP/14/0006

Re: Property at 4 Cairn Avenue, Nairn, IV12 4TG ("the Property")

The Parties:-

MISS KAREN WALKER residing at 4 Cairn Avenue, Nairn, IV12 4TG ("the Tenant")

MR RICHARD DAVIES and SUZANNE CLAIRE DAVIES, Spouses c/o E2W Property Management 108 High Street, Nairn, represented by their agent Mr David Brown of E2W Property Management ("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 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 29 April 2014, the Private Rented Housing Committee had issued a determination that the Landlord had failed to comply with the duties imposed by Section 14(i)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Committee had placed an RSEO on the property also dated 29 April 2014. The RSEO required the Landlord: -
 - a) To carry out such works as are necessary to allow the issue of a clear Electrical Installation Condition Report with no items marked as C1 or C2. The Landlords are to exhibit such clear Electrical Installation Condition Report to the Committee.
 - b) To install an appropriate hardwired interlinked smoke detection system compliant with the guidelines set out in the Domestic Technical Handbook 2013.
 - c) To reconnect the gutters and downpipe at the front of the Property and to clean the gutters out.
3. A re-inspection of the property was carried out by Mr C Hepburn, the Surveyor Member of the Committee on 10 July 2014. The Tenant was present. The Landlord was neither present nor represented. The Surveyor Member of the Committee reported that a number of the electrical defects appear to have been attended to. A form of electrical report was produced by the Landlord which indicated that some works had been carried out and that the property complied. However, the report produced by the Landlord's electrician was more of a commentary rather than the required Electrical Installation Condition Report required in terms of the RSEO.

The Surveyor Member reported that hard wired interlinked smoke detectors had been fitted to the upper and lower halls and a heat detector had been fitted in the kitchen. However no smoke detector had been fitted in the living room as required.

In relation to the gutter and downpipe, whilst they had been reconnected they had not been cleaned as required by the RSEO.

The Committee considered matters and was satisfied that it was not yet appropriate to issue a Certificate of Completion at that stage following the re-inspection. The Tenant was adamant that not all matters had been attended to properly in relation to the electrical system. It was also clear that the Landlords had not complied fully with the relevant requirements of the RSEO in relation to the smoke detection system and the cleaning of the gutters.

Accordingly the Committee determined that the RSEO would require to remain in place and highlighted to the Landlord the defects that still existed.

In due course evidence was produced of the additional smoke detector being installed in the living room and that the gutters had been cleared.

However, the Landlords still failed to produce the required Electrical Installation Condition Report, although it did appear that the works had largely been done. The Committee was disappointed that the apparent lack of understanding on the part of the Landlord as to what was required, particularly given that they had been generous in allowing the Landlord time to produce this without imposing a penalty on them. However, finally, on 10 June 2015 the Landlords produced a clear Electrical Installation Condition Report confirming no items marked C1 or C2. This is what was required by the RSEO. On that basis the Committee was satisfied that the Property now complied and that all the works required in terms of the RSEO had been carried out. The Committee therefore determined that the RSEO should be lifted.

Decision

4. The Committee's decision was to lift the RSEO and grant the Certificate of Completion discharging the RSEO.
5. The decision of the Committee was unanimous.

Right of Appeal

6. **A Landlords 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

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.

E Miller

Signed
Chairperson

..... Date..... 6/7/15