



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/14/0154

Re : 31 Balmwell Avenue, Edinburgh EH16 6HE("the Property")

Title Number: MID95140

The Parties:-

Calum Maclean Watt, residing at 128 Henderland Road, Glasgow G61 1JA and also care of Centrum Office Limited, Centrum House, 38 Queen Street, Glasgow G1 3DX ("the Landlord")

and

Miss Roseanne Reddington residing at 31 Balmwell Avenue, Edinburgh EH16 6HE ("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 3 November 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 typewritten on this page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 10 September 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/14/0154

Re : Property at 31 Balmwell Avenue, Edinburgh EH16 6HE ("the Property")

The Parties:-

Miss Roseanne Reddington, residing at 31 Balmwell Avenue, Edinburgh EH16 6HE
("the Tenant")

and

Calum Maclean Watt, residing at 126 Henderland Road, Glasgow G61 1JA, and also
care of Centrum Office Limited, Centrum House, 38 Queen Street, Glasgow G1 3DX
("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has completed the work required by the Repairing Standard Enforcement Order in respect of the Property made on 3 November 2014, determined that the Landlord had carried out the work and certified that the work has been completed in terms of Section 60(5)(b) of the Housing (Scotland) Act 2006.

Background

1. By application dated 11 June 2014, 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,
 - (c) any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order,
 - (d) any furnishings provided by the Landlord under the tenancy are capable of being used for the purpose for which they are designed, and
 - (e) the house has satisfactory provision for detecting fires and for giving warning in the event of a fire or suspected fire.

3. By letter dated 21 August 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 letter received on 24 September 2014), made written representations to the Committee. The Landlord (by letter received on 6 October 2014), made written representations to the Committee.
6. The Private Rented Housing Committee inspected the Property on the morning of 3 November 2014. The Tenant was present during the inspection. The Landlord was not present at the inspection, but was represented by Mr Damien Cairney of Infinity Property and Plumbing Maintenance. The Committee comprised George Clark (Chairman), Ian Murning (surveyor member) and Helen Barclay (housing member).
7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at George House, 126 George Street, Edinburgh. Neither the Landlord nor the Tenant was present or represented at the hearing.
8. Following the hearing, the Committee determined to make a Repairing Standard Enforcement Order in respect of the Property. The Order required the Landlord:
 - a) to fit a suitable safety catch on the existing window of the front bedroom of the Property, such that it meets the repairing standard or, alternatively, to replace the entire double-glazed window unit;
 - b) to instruct a suitably qualified Gas Safe engineer to carry out such repairs to the central heating boiler in the Property as are necessary to ensure it meets the repairing standard or, alternatively, to replace the central heating boiler;
 - c) to carry out such works as are necessary to make the bath in the Property secure and ensure an effective seal between the bath and the adjoining wall, to prevent leakage of water;
 - d) to have the garden shed of the Property inspected by a competent tradesman and thereafter to carry out such works as are necessary to render the shed secure and stable;
 - e) to install in the Property at least one smoke detector on each floor, a heat alarm in the kitchen, a carbon monoxide detector in the kitchen and a smoke alarm in the living room, all alarms to be mains-wired and interlinked; and
 - f) to exhibit to the Committee a current Gas Safety Certificate in respect of the Property.

The Private Rented Housing Committee ordered that the works specified in the Order must be carried out and completed within the period of 8 weeks from the date of service of the Order.

9. The surveyor member of the Committee re-inspected the Property on 5 June 2015. The Landlord was represented during the re-inspection by his agent, Mr John Haughey. The Tenant was present at the re-inspection. The surveyor member of the Committee reported that:
 - a) A suitable key operated safety catch has been fitted to the existing window of the front bedroom on the first floor;
 - b) The defective central heating boiler has been replaced by a new Vokera branded Gas Combi boiler in the first floor front bedroom cupboard, with a Vokera wireless RF programmer and thermostat in the ground floor hall;
 - c) The bath has been made secure and a sealing strip and mastic applied to form an effective seal around the edges of the bath with the adjoining wall;

- d) The garden shed has been inspected by Mr John Haughey, the Landlord's Agent, who said in evidence that the basic structure of the garden shed was secure and stable, but that the external cladding had deteriorated in places. The garden shed was stated by Mr Haughey to be fully usable, stable and safe. Notwithstanding, the Landlord's Agent stated that the shed would be removed and replaced with a new one in due course;
 - e) 'AICO' branded mains wired and interlinked smoke alarms have been installed on the ceilings of the first floor hall and ground floor hall, whilst an AICO mains wired and interlinked heat alarm has been installed in the kitchen. There is a pre-existing battery operated CO alarm installed in the kitchen;
 - f) Two Gas Safety Certificates were exhibited by Mr John Haughey, the Landlord's Agent, during the re-inspection, the first of which was dated 13th November 2014 and the second being an updated Gas Safety Certificate dated 22nd April 2015 reflecting the presence of the new Vokera gas boiler (and including a gas cooker in the kitchen which had been missed off the earlier of the two Gas Safety Certificates);
 - g) The surveyor member of the Committee reported that the following works required by the Repairing Standard Enforcement Order remained outstanding;
 - 1. The Landlord required to exhibit a report with the result of the inspection of the garden shed confirming that it is stable and safe. The Landlord's Agent had agreed at the reinspection to submit this to PRHP by email;
 - 2. The Landlord required to exhibit to the Private Rented Housing Committee a scanned copy of the updated Gas Safety Certificate dated 22nd April 2015. The Landlords Agent had agreed at the reinspection to submit this to PRHP by e-mail.
10. On 28 August 2015, the Landlord's Agent wrote to PRHP, enclosing a letter confirming that, although there were signs of rot in some of the woodwork, the structure of the garden shed remained intact and was structurally strong. He also enclosed a copy of the Gas Safety Certificate dated 22 April 2015. The Committee confirmed that it was content with this paperwork.

Summary of the issues

- 11. The issues to be determined were whether the Landlord had completed the works required by the Repairing Standard Enforcement Order and whether the Committee should certify the works as complete in terms of Section 60(5)(b) of the Act.

Reasons for the decision

- 12. The Committee was of the view that the Landlord had completed the works required by the Repairing Standard Enforcement Order and accordingly determined that the work should be certified as complete.

Right of Appeal

13. 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

14. 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 ... **G. Clark** Date: 10 September 2015
Chairperson