



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/14/0172

Re : Property at Mill of Dess Farmhouse, Aboyne, Aberdeenshire AB34 5BE ("the Property")

Description: ALL and WHOLE the dwellinghouse and others known as Mill of Dess Farmhouse, Aboyne Aberdeenshire AB34 5BE, being part of the subjects registered in the Land Register of Scotland under Title Number ABN109695.

The Parties:-

E W Pepper Limited, incorporated under the Companies Acts and having its registered office at Orchard House, Bury Lane Farm, A10 Melbourn Royston, Hertfordshire SG8 6DF (represented by its agent Strutt & Parker LLP, St Nicholas House, 68 Station Road, Banchory AB31 5YJ) ("the Landlord"); and

Scott Mannion and Mrs Cecile Mannion, both residing sometime at Mill of Dess Farmhouse, Aboyne, Aberdeenshire AB34 5BE ("the Tenant")

CERTIFICATE OF COMPLETION

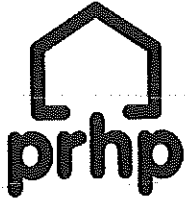
The Private Rented Housing Committee hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property dated 10 October 2014, as varied by Variation dated 7 May 2015 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative 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 typewritten on this page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 24 June 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

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The Parties:-

Scott Mannion and Mrs Cecile Mannion, both residing at Mill of Dess Farmhouse, Aboyne, Aberdeenshire AB34 5BE ("the Tenant"); and

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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 10 October 2014, as varied by variation dated 7 May 2015, 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 10 July 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 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,
 - (b) any fixtures, fittings and appliances provided by the Landlord under the tenancy are in a reasonable state of repair and in proper working order,
3. By letter dated 25 July 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 inspected the Property on the morning of 10 October 2014. The Tenant and the Landlord's agent were present during the inspection. The Committee comprised George Clark (Chairman), Angus Anderson (surveyor member) and Michael Scott (housing member).
5. Following the inspection of the Property the Private Rented Housing Committee held a hearing at The Old Free Kirk Building, Aboyne Masonic Hall, Charlestown Road, Aboyne and heard from both the Tenant and the Landlord's agent, Strutt & Parker LLP, represented by Mr James Craig and Mr David Smart.
6. Following the hearing, the Committee determined to make a Repairing Standard Enforcement Order in respect of the Property, The Order required the Landlord, within the period of four weeks from the date of service of the Order:
 - (a) to carry out such works as are necessary to restore to proper working order or to replace the immersion water heater in the Property;
 - (b) to investigate the cause of dampness in the flooring and walls of the shower room, including checking the plumbing in that room and in the adjoining laundry room and thereafter to carry out such repair works as are necessary to eliminate the dampness problem and to make good plasterwork and tiling and redecorate as necessary; and
 - (c) to adjust the position of the stove in the Property by moving it forward to ensure that the oven doors can be opened fully without obstruction and to make good any damage to the adjacent wall surfaces caused by moving the stove.
7. The surveyor member of the Committee re-inspected the Property on 2 February and 5 June 2015. The Landlord's agent was present during both re-inspections. The Tenant was present at the re-inspection on 2 February but, having vacated the Property, was not present or represented at the re-inspection on 5 June. By Variation of the Repairing Standard Enforcement Order dated 7 May 2015, the Committee extended to 30 June 2015 the time limit for completing the work required by the Order. Following the re-inspections, the surveyor member of the Committee reported that the immersion heater had been repaired and that the stove had been re-positioned so that it could be used safely and that the wall surfaces had been made good. The timber "floating floor" in the ground floor shower room had been replaced with a concrete floor with a new damp proof course. The shower tray had been replaced and the drainage connection checked/repaired. At the date of the second re-inspection, the tiling above the new shower tray had still to be grouted and the shower screen re-fitted and the skirting board and adjacent wall required decoration, but the surveyor member of the Committee was satisfied, from photographic evidence subsequently submitted to the Committee by the Landlord's agent, that this work had been carried out and he confirmed to the Committee that no works specified in the Repairing Standard Enforcement Order remained outstanding.

Summary of the issues

8. 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

9. 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

10. 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

11. 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: 24 June 2015
Chairperson