

**Certificate of Completion of Work
Issued by the Private Rented Housing Committee
Under section 60 of the Housing (Scotland) Act 2006**

PRHP/RP/14/0192

Title Number: INV23801

Re: The residential dwellinghouse at

**66 Oldtown Road
Inverness
IV2 4HP**

("the Property")

The Parties:-

**Mr David Bell
resident at the Property**

("the Tenant")

and

**Mr Steven Watson
23 Tomnahurich Street
Inverness
IV3 5DS**

("the Landlord")

The Committee comprised:

**Mr Ron Handley – Chairperson
Mr Colin Hepburn – Surveyor**

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 9 May 2015 relative to the Property has been completed. Accordingly the RSEO has been discharged

A Landlord(s) or Tenant(s) 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 these pages are subscribed by Ronald G Handley, Solicitor, chairperson of the Private Rented Housing Committee at Dunbar on 6 December 2015 before this witness:-

J. HANDLEY

R. HANDLEY

Witness

Chairperson

JANE HANDLEY

Name in full

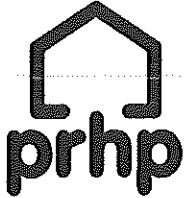
23 LESLIE WAY, DUNBAR

Address of Witness

EAST LOTHIAN EH42 1GP

COLLEGE MANAGER

Occupation



**Statement of Reasons of the Private Rented
Housing Committee under Section 24 (1) of the
Housing (Scotland) Act 2006**

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The Committee's Decision

The Committee, having made such enquiries as it saw fit unanimously determined that the Landlord had complied with the requirements of the Repairing Standard Enforcement Order dated 9 May 2015 ("the RSEO") and the Committee now discharges the RSEO.

Background

1. On 12 August 2014 the Tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlord had failed to comply with the duties imposed by Section 14(1) (b) of the Housing (Scotland) Act 2006 ("the Act").
2. On 4 March 2015 the President of the PRHP referred the application to the Committee.

The Application

3. In his application the Tenant alleged that the Landlord had failed to comply with the duty to ensure that the Property met the Repairing Standard (as defined in the Act). In particular it was submitted that the hot water tank was in need of repair. It was also suggested that the gutters were in need of clearing. Finally it was submitted that the boundary fence was in a poor condition and neighbours had claimed that it was dangerous.

The Inspection

4. The Committee inspected the Property at 11.00 hrs on 28 April 2015. The Tenant was present at the inspection as was the Landlord albeit he arrived at 11.15 hrs. In the course of the inspection the Tenant drew the attention of the Committee to a number of matters which had not been referred to in the application. The Committee reminded the Tenant that it could only take account of the issues as detailed in the application (and which had been duly intimated to the Landlord).

The Hearing

5. A Hearing was arranged to take place after the inspection at 12.00 hrs in the Spectrum Centre, 1 Margaret Street, Inverness, IV1 1LS. However in the course of the inspection the Tenant and the Landlord both intimated that they did not wish to attend the Hearing. No other persons attended at the Hearing venue and the Hearing did not proceed.

Findings

6. The Committee found the following facts to be established:
 - The Property is a two storey end terraced dwelling house.
 - On 23 April 2009 the Tenant and the Landlord entered into a Lease Agreement that related to the Property.
 - The boundary fence referred to by the Tenant in his application had been replaced with a new wooden boundary fence.

- Since the date of the Tenant's application a new hot water tank had been installed within the Property. The new hot water tank was in proper working order.
 - The gutters were not in a reasonable state of repair or in proper working order.
7. The Committee found that the Repairing Standard had not been met and the Committee proceeded to an RSEO.

The Re-inspection

8. On 19 October 2015 the Surveyor member re-inspected the Property at 2.30pm. The Tenant was present but the Landlord was not present or represented. In accordance with the RSEO the Committee required the Landlord to inspect, clear, repair and if necessary replace the gutters at the rear and front of the property.
9. In his response to the Re-inspection Report the Landlord stated that the required works had been completed on 8 October 2015.
10. In the course of the Re-inspection the Tenant advised that he had not met the Landlord since the date of the previous inspection and he was not aware of any works having been carried out or investigations undertaken.
11. At the time of the Re-inspection it was not raining. Although it was not physically possible to inspect the gutters owing to the height above ground level, there was some evidence of staining to the underside of the gutters indicative of past leakage. However there was no visible evidence of weed or debris in the gutters from ground level. Whilst accepting that the Tenant had not seen any works being carried out, the nature of these works was such that they could have been executed without requiring entry to the Property and could have been carried out when the Tenant was in the Property.
12. In all these circumstances the Committee accepted that the remedial works as detailed in the RSEO had been properly executed.

Decision

13. The Committee determined that the Landlord had complied with the duty imposed by section 14(1) (b) of the Act.
14. The decision of the Committee was unanimous.

Right of Appeal

15. A Landlord(s) or Tenant(s) aggrieved by the decision of a PRHP Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of section 63 of the Act

16. 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. 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.

R. HANDLEY

Signed
Chairperson

..... Date 6 December 2015