



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/14/0224

Re : Property at 14/2 Waverley Park, Edinburgh EH8 8EU ("the Property")

Sasine Description: ALL and Whole that flatted dwellinghouse 14/2 Waverley Park in the City of Edinburgh and County of Midlothian, being the southmost ground floor dwellinghouse of the tenement of which it forms part and being the subjects registered in the Land Register of Scotland under Title Number MID56481

The Parties:-

Krishna Ferguson, 19 Grosvenor Crescent, Edinburgh EH12 5EL and Alexander Mackie Ferguson, 41/2 Spottiswoode Street, Edinburgh EH9 1DQ ("the Landlord")

And

Anton Habel and Grevelyn Bretti, both 14/2 Waverley Park, Edinburgh EH8 8EU ("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 11 February 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

prhp Ref: PRHP/RP/14/0224

Re : Property at 14/2 Waverley Park, Edinburgh EH8 8EU ("the Property")

The Parties:-

Anton Habel and Gevelyn Bretti, both residing at 14/2 Waverley Park, Edinburgh EH8 8EU ("the Tenant")

Krishna Ferguson, 19 Grosvenor Crescent, Edinburgh EH12 5EL and Alexander Mackie Ferguson, 41/2 Spottiswoode Street, Edinburgh EH9 1DQ ("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 11 February 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 9 September 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,
 - (d) 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 3 October 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 made no further written representation to the Committee. The Landlord made no written representations to the Committee.
6. The Private Rented Housing Committee inspected the Property on the morning of 11 February 2015. The Tenant, Mr Habel, was present during the inspection. The Landlord

was not present or represented at the inspection. The Committee comprised George Clark (Chairman) and Ian Murning (surveyor 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 Tenant nor the Landlord 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 to carry out such repairs as are necessary to the windows in the living room/kitchen area and bedroom of the Property to ensure that they are capable of being opened and closed safely and easily to permit ventilation and safe cleaning.
9. The surveyor member of the Committee re-inspected the Property on 5 June 2015. The Landlord was present during the re-inspection. The Tenant, having vacated the Property, was not present or represented at the re-inspection. The surveyor member of the Committee reported that the Landlord had demonstrated that the two windows in the living room/kitchen and the window in bedroom opened and closed, tilted and turned. He confirmed to the Committee that no works specified in the Repairing Standard Enforcement Order remained outstanding.

Summary of the issues

10. 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

11. 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

12. **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

13. 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