



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/14/0254

Re : Property at Davo Smithy, Fordoun, Laurencekirk AB30 1JB ("the Property")

Title Number: KNC18756

The Parties:-

Mrs Elsie Young and Colin George Young, both Invermuir, Church Road, Luthermuir, Laurencekirk AB30 1YS ("the Landlord")

And

John Ligertwood, Davo Smithy, Fordoun, Laurencekirk AB30 1JB ("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 18 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 26 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 (5) (b) of the Housing (Scotland) Act 2006

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Re : Property at Davo Smithy, Fordoun, Laurencekirk AB30 1JB ("the Property")

The Parties:-

John Ligertwood, Davo Smithy, Fordoun, Laurencekirk AB30 1JB ("the Tenant")

Mrs Elsie Young and Colin George Young, both Invermuir, Church Road, Luthermuir, Laurencekirk AB30 1YS ("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 18 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 23 October 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 house is wind and water tight and in all other respects fit for human habitation and
 - (b) 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 16 December 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 18 February 2015. The Tenant and the Landlord were present during the inspection. The Committee comprised George Clark (chairman), Angus Anderson (surveyor member) and John Wolstencroft (housing member)
5. Following the inspection of the Property the Private Rented Housing Committee held a hearing at The Venue, Mearns Community Centre, High Street, Laurencekirk and heard from both the Tenant and the Landlord.
6. Following upon the hearing, the Committee determined to make a Repairing Standard Enforcement Order in respect of the Property. The Order required the Landlord :

(a) to carry out such repairs to the east gable of the Property as are necessary in order to restore it to a reasonable state of repair and to make the Property wind and water tight, including repair to or replacement of the tabling and cement flashings, pointing of the gable wall (including the area that was previously sheltered by the outbuilding) and checking the condition of the chimney stack and chimney can, repairing as found necessary.

(b) to carry out such repairs to the flat roof of the dormer extension to the rear of the Property as are required in order to restore it to a reasonable state of repair and to make the Property wind and water tight, including renewing of the associated rainwater goods and damaged internal finishes and

(c) to install a smoke alarm system in the Property to comply with the requirements of the Domestic Technical Handbook, namely that there should be a smoke alarm in the living room of the Property and in the hallway at ground and first floor level and a heat alarm in the kitchen area, all alarms being hard-wired and interlinked.

7. The Surveyor Member of the Committee re-inspected the Property on 2 June 2015. He reported to the Committee that the east gable had been repointed, the front tabling having been replaced and repointed, and that the chimney stack had been repointed. The flat roof of the dormer extension to the rear of the Property had been recovered with new felt. The fascias and rainwater goods had been replaced. Internally, the ceilings of the landing and bathroom had been replaced and redecorated. Insulation could be seen through the access hatch made in connection with rewiring works. A smoke alarm system had been installed, incorporating hard wired heat detectors in the lounge and kitchen (which are semi-open-plan) and hard wired smoke alarms had been installed in the ground floor hallway and first floor landing. The test button confirmed that they were interlinked. Some finishing works were required to the ceiling of the landing, but the Property was shortly to be rewired and hatches had been cut in the new ceiling in connection with the rewiring work.

Issues to be determined

8. The issues to be determined were whether the Landlord had carried out 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.
10. The decision of the Committee was unanimous.

Right of Appeal

11. 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

12. 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..... 26/6/2015.....
Chairperson ~