



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/14/0255

Re: Property at 15 Wyvis Avenue, Broughty Ferry, Dundee, DD5 3ST ("the Property")

Title Number: ANG16733

The Parties:-

MISS CAROLANN CURRAN residing at 15 Wyvis Avenue, Broughty Ferry, Dundee, DD5 3ST ("the Tenant")

THE EXECUTORS OF THE LATE JEFFREY IAN MYERS, late of 15 Wyvis Avenue, Broughty Ferry, Dundee and MS VICTORIA MYERS ("the Landlords")

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 16 June 2015 as subsequently varied and extended 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 type written on this and the preceding page are executed by Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 11 January 2016 before this witness:-

E. MILLER

C. ROBERTSON

Chairman

Claire Robertson
Secretary
Thorntons Law LLP
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ



Statement of decision of the Private Rented Housing Committee under the Housing (Scotland) Act 2006

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The Parties:-

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THE EXECUTORS OF THE LATE JEFFREY IAN MYERS, late of 15 Wyvis Avenue, Broughty Ferry, Dundee and MS VICTORIA MYERS ("the Landlords")

Decision

The Committee, having made such enquiries as was appropriate for the purposes of determining whether the Landlords had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and taking account of the subsequent inspection and evidence put before the Committee, determined that the Landlords had now complied with the terms of RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

Background

1. By way of a decision dated 16 June 2015, the Private Rented Housing Committee had issued a determination that the Landlords had failed to comply with the duties imposed by Section 14 (1) (b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Committee had placed an RSEO on the Property also dated 16 June 2015. The RSEO required the Landlords:-
 - (a) To carry out such works of repair or replacement to the light fittings/shades within the lounge to ensure that they are properly compliant with the repairing standard.
 - (b) To repair or replace the front door handle so that the door is capable of being opened and closed properly and that the locking mechanism is in proper working order.
 - (c) To either repair the original fridge freezer within the Property or provide a replacement of equivalent size.
 - (d) To exhibit to the Committee an electrical installation condition report confirming that the electrical installation report confirming that the electrical installation within the Property is in satisfactory condition and showing no items marked "C1" or "C2".
 - (e) To provide a replacement washing machine to the Tenant for her use in the Property.
 - (f) To carry out such works or redecoration to the kitchen ceiling as are necessary to render it compliant with the repairing standard.

The RSEO required the Landlords to carry out the works within one month from the date of service of the notice.

3. On 21 August 2015 the Committee (comprising Mr E K Miller, Chairman and Legal Member and Mr D Godfrey, Surveyor Member) had carried out the re-inspection of the Property. While some of the works had been done, not all of the works had been attended to. The Committee issued a further decision dated 28 December 2015 giving the Landlords an additional six weeks in which to carry out the works.

At that stage the remaining works outstanding were proper installation of the replacement fridge freezer and washing machine and the removal of the old items, the proper painting of the kitchen ceiling and the provision of new light fittings/shades within the lounge.

In due course evidence of the re-painting of the kitchen ceiling was provided to the Committee. The provision of a replacement fridge freezer and washing machine also took place and the old items removed. New light fittings and shades had been provided to the Tenant.

As was noted in the previous decision issued by the Committee on 28 September the front door handle had been replaced, and a satisfactory electrical installation report had been provided.

The Committee proceeded to consider what steps to take here. The Tenant had asked for a Rent Relief Order to be granted. However the Committee was satisfied that it was not appropriate to grant a Rent Relief Order. Firstly, all the necessary works had now been carried out. It would not therefore be appropriate to grant a Rent Relief Order at this stage. In any event, whilst the Property had not met the repairing standard the items complained of were generally fairly minimal in nature and did not have any material effect on the ability of the Tenant to use the Property in a normal residential fashion. As highlighted the Committee was satisfied that the works had been done and therefore the Committee (comprising Mr E K Miller and Mr D Godfrey) was satisfied that the RSEO should be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act would be granted.

Decision

4. The Committee's decision was to lift the RSEO and grant a Certificate of Completion discharging the RSEO.
5. The decision of the Committee was unanimous.

Right of Appeal

6. **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

7. 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.

E. MILLER

Signed ...
Chairperson

.. Date..... 11/1/16