



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/14/0294

Re: Property at 63/11 Bread Street, Edinburgh EH3 9AH (“the Property”)

Title MID18774

The Parties :

Alvaro Carrasco, 12/6 Moncrieff Terrace, Edinburgh EH9 1NA (“the Applicant”)

Jamie McKenzie Davidson, ‘Eldermount’ 110 Church Street, Tranent, East Lothian EH33 1BZ (“the Landlord”)

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 30 June 2015 and issued on or about 2 July 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 this document type-written on this and the following page are executed by David Bartos, Advocate, Parliament House, Parliament Square,

Edinburgh EH1 1RF, Chairperson of the Private Rented Housing Committee at
Edinburgh on 11 May 2016 before this witness:-

T Whitelaw

witness

D Bartos

chairman

TRACY WHITE LAW

name in full

ADVOCATES LIBRARY

Address

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EDINBURGH EH1 1RF

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**Decision of Private Rented Housing Committee
under Section 60 (5) of the Housing (Scotland) Act 2006**

Statement of Reasons for Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 60(5) of the Housing (Scotland) Act 2006

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The Committee comprised:-

Mr David Bartos - Chairperson
Mrs Irene Kitson - Housing member

Decision

The Committee certify that the work required by the Repairing Standard Enforcement Order for the Property dated 30 June 2015 has been completed.

Background:-

1. The Committee issued a Repairing Standard Enforcement Order ("RSEO") for the Property on or about 30 June 2015. In August 2015 Donald Marshall, the Surveyor member of the Committee retired. Accordingly the Committee instructed a chartered surveyor member of the Private Rented Housing Panel ("PRHP") and Vice-president of the PRHP, Robert Buchan FRICS to carry out a reinspection of the Property. The purpose of the reinspection was to check that the works required by the RSEO had been completed. This reinspection took place on 19 August 2015. The Landlord was not present. The tenancy having terminated the Applicant was not present.
2. The report prepared by Mr Buchan indicated that in the bedroom a bead had been fitted to part of the skirting board and in the kitchen a new

section of skirting board had been fitted. However it also noted that in the living room there were still many gaps between the skirting boards and floor, including a missing section of skirting board.

3. The report was notified to the Landlord by the Committee's clerk. Following the making of representations by the Landlord the Committee made a decision dated 5 November 2015 that the Landlord had failed to comply with the RSEO. The terms of that decision, the findings in fact and the reasoning behind it are referred to for their terms which are incorporated herein for the sake of brevity. That decision with its reasoning was notified to the Landlord on or about 9 November 2015. The Landlord's failure to comply with the RSEO was also reported to City of Edinburgh Council.
4. There was no further word from the Landlord to the Committee until an e-mail to the PRHP dated 20 April 2016 enquiring whether the RSEO had been lifted and intimating that he was due to sell the Property on 12 May 2016. Following this e-mail a second reinspection was organised to be carried out again by Mr Buchan.
5. The second reinspection took place on 6 May 2016 and was carried out by Mr Buchan. The report prepared by Mr Buchan dated 9 May 2016 stated that there remained a number of outstanding works. These included those noted in the first report.
6. Following the second reinspection the Landlord sent two e-mails to the Committee's clerk. The first, dated 6 May, indicated that work was to take place that afternoon to rectify the outstanding works. The second e-mail attached photographic evidence and a copy invoice for the works from a tradesman.
7. The evidence before the Committee consisted of:-
 - The PRHP Re-inspection report for the Property dated 19 August 2015
 - The PRHP Re-inspection report for the Property dated 9 May 2016
 - E-mail from the Landlord to PRHP dated 6 May 2016 timed at 14.53
 - Photographs supplied by the Landlord after 6 May 2016
 - Invoice dated 6 May 2016 from Mark McCathie Building Services addressed to the Landlord

Findings of Fact

8. Having considered all the evidence, the Committee found that the Landlord has carried out the works stated to have been carried out in the Re-inspection reports. In addition he has carried out the outstanding works set out in the second Re-inspection report.

Reasons for Decision

- 9. A comparison of the photographs attached to the second Re-inspection report and those supplied by the Landlord, together with the invoice from the tradesman has persuaded the Committee to find that the works still outstanding in the second report have been carried out.
- 10. Therefore on the basis of the above findings of fact the Committee took the view that the works in the RSEO had been carried out. In these circumstances it was appropriate to grant a certificate of completion.

Decision

- 11. The decision of the Committee as set out above was unanimous.

Rights of Appeal

- 12. A landlord or tenant aggrieved by either decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
- 13. Unless the lease or tenancy between the parties has been brought to an end, the appropriate respondent in such appeal proceedings is the other party to the proceedings and not the Private Rented Housing Panel whose Committee which made the decision.

Effects of Section 63 of the 2006 Act

- 14. Where such an appeal is made, the effect of these decisions and of any Order or Certificate made in consequence of them is suspended until the appeal is abandoned or finally determined.
- 15. Where the appeal is abandoned or finally determined by confirming a decision, the decision and any Order or Certificate made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

D Bartos

Signed Date: 11 May
2016.....

David Bartos, Chairperson