



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

PRHP/RP/15/0007

Search Number 2015-00537791

**Re:**

**The residential dwelling house at 12 Elgin Road, Lossiemouth, Elgin IV31 6EE as described in a Feu Disposition to James Donald Cameron and another recorded on 4 February 1992 in the General Register of Sasines for the County of Moray**

**("the Property")**

**The Parties:-**

**Mrs Margaret Penrice  
Formerly resident at the Property**

**("the Tenant")**

**and**

**Mr C Wattiez  
C/o Belvoir (Moray) Ltd  
22 Thunderton Place  
Elgin  
IV30 1BG**

**("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 14 July 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 23 November 2015 before this witness:-

J. HANDLEY

R. HANDLEY

Witness

Chairperson

JANE HANDLEY Name in full

23 LESLIE WAY Address of Witness

DUNBAR, EAST Lothian

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 comprised:**

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

**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 14 July 2015 ("the RSEO")  
and the Committee now discharges the RSEO.**

## **Background**

1. On 8 January 2015 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 ("the Act").
2. On 9 February 2015 the President of the PRHP referred the application to the Committee.

## **The Application**

3. In her 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). It was submitted that the Landlord had failed to ensure that the Property was wind and water tight and in all other respects reasonably fit for human habitation and that the structure and exterior of the Property was in reasonable state of repair. It was also suggested that the installations for the supply of heating water were not in proper working order.
4. In particular it was submitted that the gutter required repair or replacement, the front door required to be replaced and the back door required to be repaired. Finally it was submitted that the water heater controller required to be replaced.

## **The Inspection/Hearing**

5. The Committee inspected the Property at 10.00 hrs on 28 April 2015. The Tenant was not present at the inspection and the Landlord was represented by Mr Alasdair Millar, Belvoir (Moray) Ltd.
6. A Hearing was arranged to take place after the inspection at 11.00 hrs in the Lossiemouth Sports and Community Centre, Coularbank Road, Lossiemouth. However in the course of the inspection Mr Millar intimated that he did not wish to attend the Hearing. No other persons attended at the Hearing venue and the Hearing did not proceed.

## **Findings**

7. The Committee found the following facts to be established:
  - The Property was an end terraced single storey dwelling house.
  - On 13 May 2013 the Tenant and the Landlord entered into a Lease Agreement that related to the Property.
  - The Tenant vacated the Property on or around 14 May 2015. At the time of the inspection the Property was unoccupied.

- The water heater controller was not in proper working order.
- The gutters were not in a reasonable state of repair and not in proper working order.
- The front external door was not in a reasonable state of repair or in proper working order and required to be replaced.
- The seals around the back external door were not in a reasonable state of repair or in proper working order.

### **Decision**

8. The Committee determined that the Landlord had failed to comply with the duty imposed by section 14(1) (b) of the Act and consequently made an RSEO.
9. The decision of the Committee was unanimous.

### **The Variation**

10. In a letter of 22 July 2015 to the Panel, the Landlord submitted that it was not necessary to replace the external front door and that repairs could be effected. He requested permission to carry out repairs to the door.
11. Having considered the request the Committee agreed that the external front door could be repaired (and did not have to be replaced). The Committee agreed to vary the terms of the RSEO.

### **The Re-inspection**

12. On 16 September 2015 the Surveyor member of the Committee re-inspected the Property. Access to the Property was provided by Mr Alasdair Millar of Belvoir (Moray) Ltd who attended throughout the Re-inspection.
13. A copy of the invoice relative to the replaced water heater controller was subsequently presented to the Committee. Having considered all the available evidence, the Committee determined that repairs had been effective in addressing the items contained in the RSEO.

### **Decision**

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

**Right of Appeal**

- 16. 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**

- 17. 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 23 November 2015