



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/15/0039

Re : Property at Pitskelly Cottage, Main Street, Balbeggie, Perth PH2 6EZ ("the Property")

The Parties:-

Kyle Hamilton and Eilidh May McCallum, sometime Pitskelly Cottage, Balbeggie, Perth PH2 6EZ ("the Tenant")

Joanna Pinkie Maude Cullen, Methven, care of her agents, Bell Ingram Limited, Durn, Isla Road, Perth PH2 7HF ("the Landlord")

Sasine Description: All AND WHOLE the detached dwellinghouse known as Pitskelly Cottage, Main Street, Balbeggie, Perthshire PH2 6EZ, being part and portion of (I) the Farm and Lands of Pitskelly in the Parish of St Martins and County of Perth more particularly described in Disposition in favour of James Norman Methven, recorded in the Division of the General Register of Sasines applicable to the County of Perth on 24 February 1922 (II) the Field extending to 4.146 acres in said Parish and County, more particularly described in Disposition in favour of the said James Norman Methven, recorded in the said Division of the General Register of Sasines on 11 August 1922 and (III) the Farm of Rosemount or Home Farm of St Martins, extending to 59.803 acres in the said Parish and County, more particularly (III) described in the said Disposition in favour of James Norman Methven, recorded in the said Division of the General Register of Sasines on 24 February 1922 .

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 4 September 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 15 March 2016, before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian

V Clark

G Clark

_____ witness

_____ chairman



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

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The Parties:-

Kyle Hamilton and Eilidh May McCallum, sometime Pitskelly Cottage, Balbeggie, Perth PH2 6EZ ("the Tenant") and

Joanna Pinkie Maude Cullen, Methven, care of her agents, Bell Ingram Limited, Durn, Isla Road, Perth PH2 7HF ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order in respect of the Property dated 4 September 2015, and following on a reinspection of the Property, determined that the Landlord had complied with the Order and that the Order should, therefore, be discharged in terms of Section 60 of the Housing (Scotland) Act 2006.

Background

1. By application dated 25 January 2015 (received on 30 January 2015) 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 reasonably fit for human habitation and
 - (b) 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.
3. The Private Rented Housing Committee inspected the Property on the morning of 4 September 2015. The Committee comprised George Clark (chairman) and Robert Buchan (surveyor member).
4. Following the inspection, the Committee held a hearing and determined that the Property did not meet the repairing standard laid down in Section 13 of the Act and that the Landlord had failed to comply with the duties imposed on landlords by Section 14(1)(b) of the Act. The Committee proceeded to make a Repairing Standard Enforcement Order in respect of the Property.
5. The Order required the Landlord to instruct a damp proof specialist member of the Property Care Association to carry out an inspection of the Property with a view to

reporting on the extent and treatment required of dampness within the hallway of the Property, with all recommended works including satisfactory re-instatement of the interior plasterwork to be carried out. The report, invoices and confirmation that the work has been carried out were to be submitted to the Committee. The Committee ordered that the works specified in this Order must be carried out and completed within the period of three months from the date of service of the Notice.

6. The Landlord provided the Committee with copies of a report from Peter Cox Limited dated 2 November 2015 on the dampness, together with an Invoice from Messrs CSJ for the installation of a new window in December 2015.
7. The surveyor member of the Committee reinspected the Property on 8 March 2016. A file of photographs taken at the reinspection is attached to and forms part of this Statement of Decision. The surveyor reported that a new upvc framed double glazed window had been fitted, but that the plasterwork above the window had collapsed. The Landlord's agent explained that, subsequent to the work being completed, the Property had suffered rainwater penetration from a faulty flashing around the chimney causing the damage which was apparent to the plasterwork. The area was currently being allowed to dry out before remedial work was undertaken.

Summary of the issues

8. The issue to be determined was whether the Landlord had complied with the Repairing Standard Enforcement Order in respect of the Property.

Reasons for the decision

9. The Committee accepted that the works required by the Order had been carried out by the Landlord and determined that the problem with the plasterwork above the new window was an unconnected issue.

Decision

10. The Committee accordingly determined that the Landlord had complied with the Repairing Standard Enforcement Order in respect of the Property made on 4 September 2015, that a Certificate to that effect should be issued in terms of Section 60 of the Act and that the Order should be discharged.
11. The decision of the Committee was unanimous.

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.

G Clark

Signed ... Chairperson Date... 15 March 2016

Schedule of photographs of Pitskelly Cottage, Main Street, Balbeggie, Perth, PH2 6EJ
Taken by Robert Buchan, FRICS on the 8th March 2016



Front



New window



Recent damage