



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

PRHP/RP/15/0083

TITLE NUMBER: ROX4589

Re: The residential dwelling house at

**1 Campknowe,
Gattonside,
Melrose
TD6 9NP**

("the Property")

The Parties:-

**Ms Lynn Johnston
formerly resident at the Property**

("the Tenant")

and

**Mr Christopher Cusiter
111 Kings Gate
Aberdeen
AB15 4ES**

("the Landlord")

The Committee comprised:

**Mr Ron Handley – Chairperson
Mr Charles Reid – Surveyor**

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 3 August 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.

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 12 September 2015 before this witness:-

J HANDLEY

R HANDLEY

Witness



Chairperson

JANE HANDLEY

Name in full

23 LESLIE WAY, DUNBAR

Address of Witness

EAST COTHIA



**Statement of Reasons of the Private Rented
Housing Committee under Section 24 (1) of the
Housing (Scotland) Act 2006**

PRHP/RP/15/0083

TITLE NUMBER: ROX4589

Re: The residential dwelling house at

**1 Campknowe,
Gattonside,
Melrose
TD6 9NP**

("the Property")

The Parties:-

**Ms Lynn Johnston
formerly resident at the Property**

("the Tenant")

and

**Mr Christopher Cusiter
111 Kings Gate
Aberdeen
AB15 4ES**

("the Landlord")

The Committee comprised:

**Mr Ron Handley – Chairperson
Mr Charles Reid – 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 3 August 2015 ("the RSEO") and the Committee now discharges the RSEO.

Background

1. On 20 February 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 Act.
2. On 15 April 2015 the President of the PRHP referred the application to the Committee.
3. On 19 June 2015 the Tenant advised that she had vacated the Property. Accordingly, under paragraph 7(1) of Schedule 2 of the Act the Tenant was treated as having withdrawn her application under section 22(1) of the Act. The Committee then considered the application and whether it should be determined or be abandoned all in terms of paragraph 7(3) of Schedule 2 of the Act.
4. Given that the Tenant alleged that there were significant dampness issues within the Property, the Committee concluded that the application should be determined on health grounds due to the nature of the alleged defects and the potential effect for any future tenants or occupiers if the allegations were substantiated. Accordingly the Committee decided to determine the application in accordance with a Minute of Continuation dated 24 July 2015.

The Application

5. 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
 - there was water ingress at the front door and the wooden frame was split;
 - there was penetrating damp on both recess walls in bedroom one;
 - the walls in bedroom two were damp;
 - the mattress in bedroom two was unusable due to dampness;
 - the sofa was unusable due to dampness;
 - the windows could not be opened properly;
 - the window in the living room did not open and was sealed with sellotape.

The Evidence

6. The Committee had before it a bundle of documents which included Land Register documents, a copy of the Application Form, copy

photographs and copies of various e-mails and letters. The Committee took account of these documents.

The Inspection

7. The Committee inspected the Property at 10.00 hrs on 29 July 2015. The Landlord was not present but was represented by Ms Karen Crawford from BLMS Limited.

The Hearing

8. A Hearing was arranged to take place after the inspection at 11.00 hrs in the Ormiston Institute, Market Square, Melrose but the Landlord did not attend the Hearing venue and the Hearing did not proceed.

Findings

9. The Committee found the following facts to be established:
 - The Property is a two bedroomed flat located on the ground floor of a two storey block of flats at 1 Campknowe, Gattonside, Melrose, TD6 9NP.
 - The Tenant and the Landlord had previously entered into a Tenancy Agreement that related to the Property.
 - The Tenant had vacated the Property prior to the inspection taking place.
 - The main door to the Property was in a reasonable state of repair and was in proper working order.
 - The window in the main bedroom opened and closed but was loose fitting. There was water ingress in the window recess. This window required to be repaired.
 - All the other windows in the Property were in a reasonable state of repair and in proper working order.
 - There was no dampness within the Property.
 - At the time of the inspection the Property was unfurnished.
10. The Committee concluded that the Repairing Standard had not been met and the Committee made a Repairing Standard Enforcement Order ("the RSEO"). In accordance with the RSEO the Landlord was required to carry out such works as were necessary to ensure that the Property met the Repairing Standard and that any damage caused by the carrying out of any work in terms of the RSEO was made good. In particular the RSEO required the Landlord to repair the window in the main bedroom to ensure that it was wind and water tight.

The Re-inspection

- 11. On 8 September 2015 the Surveyor Member re-inspected the Property. The Landlord was represented at the Re-inspection by Ms Karen Crawford from BLMS Limited.
- 12. It was noted that works had been carried out on the window in the main bedroom to ensure that it closed tightly and that the brushes of the window had been replaced to ensure the window was wind and water tight. Ms Crawford also provided the Committee with an invoice confirming that these works had been carried out.
- 13. The Committee determined that the necessary works had been executed and that the Repairing Standard had been met. The Committee agreed to discharge the RSEO.
- 14. The decision of the Committee was unanimous.

Right of Appeal

- 15. 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

- 16. 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 12 September 2015