



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

PRHP/RP/15/0111

Title Number: BER1679

Re: The residential dwellinghouse at

**15 Murray Street
Duns
TD11 3DE**

("the Property")

The Parties:-

**Mr Damian Matysiak and Ms Beata Warzynska
resident at the Property**

("the Tenants")

and

**Mr Andrew Dyson and Mrs Deborah Dyson
1 Whitecross Gardens
York
YO31 8SH**

("the Landlords")

The Committee comprised:

**Mr Ron Handley – Chairperson
Mr Andy Taylor, Surveyor Member
Ms Sally Wainwright – Housing Member**

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 1 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 26 February 2016 before this witness:-

R Handley _____
Witness

R G Handley _____
Chairperson

Ryan Handley

Name in full

23 LESLIE WAY

Address of Witness

DUNBAR EH42 16P



**Statement of Reasons of the Private Rented
Housing Committee under Section 26(1) of the
Housing (Scotland) Act 2006**

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The Committee comprised:

**Mr Ron Handley – Chairperson
Mr Andy Taylor, Surveyor Member
Ms Sally Wainwright – Housing Member**

The Committee's Decision

The Committee, having made such enquiries as it saw fit unanimously determined that the Landlords had complied with the requirements of the Repairing Standard Enforcement Order dated 1 July 2015 ("the RSEO") and the Committee now discharges the RSEO.

Background

1. On 32 March 2015 the Tenants applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Act.

The Application

2. In their application the Tenants alleged that the Landlords 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 Landlords had failed to ensure that the Property was wind and water tight and, in all other respects, reasonably fit for human habitation;
 - the structure and exterior of the Property was not in a reasonable state of repair and not in proper working order;
 - some of the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water were not in a reasonable state of repair and not in proper working order;
 - some of the fixtures, fittings and appliances provided under the Tenancy Agreement were not in a reasonable state of repair or in proper working order.

The Inspection

3. The Committee inspected the Property at 10.00 hrs on 24 June 2015. Ms Beata Warzynska (the Tenant) was present at the inspection. The Landlords did not attend the inspection and were not represented.

Findings

4. The Committee found the following facts to be established:
 - The Property is a first storey flat located in 15 Murray Street, Duns, TD11 3DE.
 - On 27 September 2013 the Tenants and the Landlords entered into a Tenancy Agreement that related to the Property.
 - The small hatch style door in the rear hallway was ill fitting, was not wind and water tight and required to be refurbished or replaced.
 - The windows throughout the Property were in a poor state of repair. Many of them did not open and the sash cords were broken in a

number of the windows. The wooden frames and surrounds in many of the windows were rotten. The windows were not wind and watertight and required to be refurbished or replaced.

- The hole in the bathroom ceiling (referred to in the application) had been repaired.
- There were several loose floorboards in the hallway in the Property.
- The living room door did not open or close and was not in proper working order and required to be repaired.
- The heated towel rail and the replacement electric heater in the bathroom were not in proper working order and required to be repaired or replaced.
- The door of the smallest bedroom did not close properly and was not in proper working order and required to be repaired.
- The door handle on the inside of the main door was broken and was not in proper working order and required to be repaired.
- Previous tenants had painted and drawn on some of the walls within the Property.
- The Property did not meet the Repairing Standard.

The Decision

5. The Committee determined that the Landlords had failed to comply with the duty imposed by section 14(1) (b) of the Act. The Committee required the Landlords to carry out such works as were necessary for the purposes of ensuring that the Property met the Repairing Standard and that any damage caused by the carrying out of any work in terms of this Order was made good.

The RSEO

6. In accordance with the RSEO the Committee required the Landlords to:
 - Refurbish or replace the external hatch door at the top of rear hallway to ensure that it was wind and watertight, secure and in proper working order. This to include all ancillary works, pointing, making good and decoration.
 - Refurbish or replace all windows (sash and case and casement) in the Property to ensure that they were wind and watertight, capable of opening, secure and in proper working order. This to include all ancillary works, pointing, making good and decoration.
 - Repair or replace the badly fitting or loose floorboards in the top hallway.

- Service and adjust the internal doors to the living room and the small bedroom, provide new ironmongery as required, to ensure that they were in proper working order and capable of latching shut.
 - Service and adjust the front door to the Property, providing new ironmongery as required, to ensure that it was wind and watertight, safe, secure and in proper working order. This to include all necessary pointing and making good.
 - Repair or replace the heated towel rail in the bathroom. Alternatively, repair the recently fitted electric, wall mounted, blown air heater to ensure that it was in proper working order and that there was a source of heat within the bathroom.
7. The Committee ordered that the works specified in the RSEO be carried out and completed within the period of 3 months.

The Re-inspections

8. On 20 January 2016 the Surveyor Member re-inspected the Property. The Committee found that the following works had been completed:
- The badly fitted floorboards in the top hall had been repaired and/or re-laid.
 - The wall mounted, blown air heater in the bathroom had been repaired and was in proper working order.
 - The faulty heated towel rail had been removed.
9. It was clear that other remedial works remained outstanding and consequently on 22 February 2016 the Surveyor member re-inspected the Property at 10.30am.
10. The Committee subsequently found that all the remaining works as detailed in the RSEO had been completed.

Decision

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

Right of Appeal

13. 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

14. 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.

Signed **R G Handley** Date 27 February 2016
Chairperson