



## 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/15/0123

Re: Property at 2 Pitfour Crescent, Fetterangus, Peterhead, AB42 4EL ("the Property")

Title No: ABN28902

### The Parties:-

JAMES THOMSON GARDINER, 14 Wrightlands Crescent, Erskine, PA8 7BZ ("the Landlord")

FRANCES MALLEY, 2 Pitfour Crescent, Fetterangus, Peterhead, AB42 4EL ("the Tenant")

### CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property served on the Property dated 23 September 2015 and as varied on 14 December 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 type written on this and the preceding page are executed by Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 24 May 2016 before this witness:-

C. ROBERTSON

E. MILLER

witness

Chairman

Claire Robertson  
Secretary  
Thorntons Law LLP  
Whitehall House  
33 Yeaman Shore  
Dundee  
DD1 4BJ



## **Statement of decision of the Private Rented Housing Committee under the Housing (Scotland) Act 2006**

**prhp Ref: PRHP/RP/15/0123**

**Re: Property at 2 Pitfour Crescent, Fetterangus, Peterhead, AB42 4EL ("the Property")**

**The Parties:-**

**FRANCES MALLEY, 2 Pitfour Crescent, Fetterangus, Peterhead, AB42 4EL ("the Tenant")**

**JAMES THOMSON GARDINER, 14 Wrightlands Crescent, Erskine, PA8 7BZ ("the Landlord")**

### **Decision**

**The Committee, having made such enquiries as was appropriate for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and taking account of the subsequent inspections by the Committee, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.**

### **Background**

1. By way of a Decision dated 23 September 2015, the Private Rented Housing Committee had issued a determination that 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 Committee had placed an RSEO on the Property also dated 23 September 2015. The RSEO required the Landlord to carry out such works of repair and replacement to the shower enclosure and tiling as were necessary to ensure that no further water penetration occurred to the remainder of the Property and that the shower and enclosure were in proper working order.

The Order gave the Landlord a period of 28 days to carry out the works.

3. A reinspection of the Property had been carried out on 16 November 2015. That reinspection disclosed that whilst the defective shower enclosure, tiling and shower tray had been removed there were decorative works still outstanding. There was also still some dampness to the new wall lining at the site of the old shower and to the plaster above the main entrance in the room below. In relation to the new shower that had been installed there was some minor dampness present near to the horizontal timber surfaces behind the bath tap.

The Committee had, at that stage, given a further period of two months to the Landlord to carry out the works. The Committee had been conscious that the damp that had occurred may take some time to dry out. An extension was issued to the parties on 14 December 2015.

On 31 March 2016, Mr Angus Anderson, the Surveyor Member of the Committee attended at the Property and was given access by Ms Shona Maclean of Stewart & Watson, letting agents for the Landlord.

The Surveyor Member reported that the decorative works to the former site of the shower had now been completed. Slightly higher than average damp meter readings were still present to the new wall linings at the site of the old shower and the plaster above the main entrance door in the room below. There was a low level of dampness at the horizontal timber surfaces behind the bath taps. The Surveyor Member was of the opinion that after this length of time it was unlikely that this was now residual dampness from the previous leak. The internal wall finishes to these areas were "plastered on the hard" i.e. plaster applied directly to the brickwork which tends to have a colder surface than "dry linings". As a consequence, because of the nature of the construction of the Property it was likely that these areas would always disclose a slightly higher damp meter reading. The Committee (comprising Mr E K Miller and Mr A Anderson) considered the matter. The Committee was satisfied that the levels of damp were minimal and only slightly higher than the average. The Committee was satisfied that this was due to the construction of the Property and that the Landlord had addressed the various problems as far as he would be able to do so. The Committee was satisfied that there was now no longer any material inconvenience to the Tenant arising from any matters of disrepair and accordingly the Committee was satisfied that the Property now met the repairing standard.

The Committee was satisfied that it was appropriate to lift the RSEO and grant a Certificate of Completion.

#### **Decision**

4. The Committee's decision was to lift the RSEO and grant a Certificate of Completion discharging the RSEO.
5. The decision of the Committee was unanimous.

#### **Right of Appeal**

6. **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**

7. 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.

E. MILLER

Signed  
Chairperson

Date.....29/5/16.....