



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/15/0144

Re : Property at 10 Clashrodne Avenue, Cove Bay, Aberdeen AB12 3TU ("the Property")

Land Certificate No: KNC14988

The Parties:-

LIONEL IAN RICHARD and FERNANDA MANHAES BERNARDES, both residing sometime at 10 Clashrodne Avenue, Cove Bay, Aberdeen AB12 3TU ("the Tenant")

NEIL GEORGE SHARP and MRS JULIE SHARP, residing sometime at Moss-Side, Charleston, Nigg, Aberdeen (represented by their agent, Gavin Bain & Company, Solicitors, 432 Union Street, Aberdeen AB10 1TR) ("the Landlord")

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property made on 31 July 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 30 November 2015, before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

V. CLARK

witness

G. CLARK

chairman



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

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Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has completed the works required by the Repairing Standard Enforcement Order in respect of the Property made on 16 July 2015, determined that the Landlord has completed the works and complied with the Order and that a Certificate to that effect should be issued in terms of section 60(5) of the Housing (Scotland) Act 2006.

Background

1. By application dated 29 April 2015, received on 30 April 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 otherwise fit for human habitation,
 - (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,
 - (c) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order, and
 - (d) any fixtures, fittings and appliances provided by the Landlord under the tenancy 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 16 July 2015. The Tenant, having vacated the Property, was not present or represented during the inspection. The Landlord's agent, Mr Gavin Bain was present during the inspection.

4. The Committee comprised George Clark (chairman), Colin Hepburn (surveyor member) and Linda Robertson (housing member).
5. Following the inspection of the Property the Private Rented Housing Committee held a hearing at The Credo Centre, 14-20 John Street, Aberdeen. Neither the Landlord nor the Tenant was present or represented at the hearing. Following the hearing, the Committee made a Repairing Standard Enforcement Order in respect of the Property. The Order required the Landlord:
 - 1) To engage suitably qualified plumbing and central heating engineers and electrical contractors to check and test the boiler, hot water tank thermostat, shower fittings and Sumic motorised valve in the Property and to carry out such works as are required to ensure that the boiler, hot water tank, central heating radiators (including the thermostatic valves), domestic hot water system and showers are in proper working order;
 - 2) To exhibit an up to date Gas Safety Certificate in respect of the Property;
 - 3) To inspect the shower screen, sealants and mastic and thereafter carry out such works as are necessary to ensure that water does not spill or escape when the shower is used and to renew the mastic around the wash hand basin in the en-suite bathroom;
 - 4) To refit or replace the doors of the fitted wardrobe;
 - 5) To ensure that the extractor fans in the Property are in proper working order, according to the manufacturers' specifications;
 - 6) To engage a suitably qualified engineer to test the dishwasher and to exhibit to the Committee the engineer's report, confirming that it is in proper working order; and
 - 7) To carry out such repairs as are required to ensure the rear door of the garage is secure and lockfast.

The Private Rented Housing Committee ordered that the works specified in the Order must be carried out and completed within the period of eight weeks from the date of service on the Parties of the Notice of the Order.

6. The Surveyor member of the Committee reinspected the Property on 6 October 2015. Mr Peter Cocker of Gavin Bain and Company, the Landlord's agents, was present at the reinspection. The Tenant had vacated the Property, so was not present or represented at the reinspection. The surveyor member reported to the Committee that, on the basis of his inspection and also having had sight of various documents, including receipts and invoices for works done to the Property, all the works required by the Order had been carried out, apart from the exhibition of an engineer's report on the dishwasher. In particular, he had seen an invoice from AM Joinery Limited dated 14 August 2015 in respect of the supply and fitting of wardrobe doors and the fitting of a new rear door to the garage, an invoice from CAS Duncan dated 17 September 2015, relating to various works carried out to the plumbing, bathroom, hot water and gas systems and the Landlord's homeowner gas safety record relating to the cooker and the central heating boiler.

Summary of the issues

7. The issues to be determined were whether the Landlord had carried out the works required by the Order and whether a Certificate to that effect should be issued in terms of section 60(5) of the Act.

Findings of fact

8. The Committee finds the following facts to be established:-
- The landlord has carried out all the works required by the Order, apart from obtaining an engineer's report in respect of the dishwasher..

Reasons for the decision

9. The Committee was of the view that the one outstanding item in the Order, namely the exhibition of an engineer's report in respect of the dishwasher, was not of such concern as to justify the Committee in refusing to issue a Certificate of Completion in terms of section 60(5) of the Act. The Tenant had left the Property and had not been present at the original inspection and hearing to explain to the Committee the problem with the dishwasher. The Committee decided, on balance, that it would not insist on receiving the engineer's report and that a certificate of Completion should be issued.

Decision

10. The Committee accordingly determined that the Landlord had carried out the works required by the Order and that a certificate to that effect should be issued.
11. The Committee proceeded to issue a Certificate of Completion in terms of Section 60(5) of the Act.
12. The decision of the Committee was unanimous.

Right of Appeal

13. 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

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, 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 Date: 30 November 2015
Chairperson