



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/15/0263

Re : Property at 1 Leslie Road, Aberdeen AB4 4HU("the Property")

Sasine Description: ALL and WHOLE the flatted dwellinghouse 1 Leslie Road, Aberdeen, part of the Premises into which the ground floor of the Building 104 and 106 Clifton Street and 1 Leslie Road, Aberdeen is divided, on part of the Piece of grounds on the east side of Clifton Road aforesaid in the City and County of Aberdeen more particularly described in and disposed by Disposition in favour of Agnes Marr Black and another, recorded in the Division of the General Register of Sasines applicable to the County of Aberdeen on 18th July 1912.

The Parties:-

Steven Smith, 1 Leslie Road, Aberdeen AB24 4HU ("the Tenant") and

Peter Mearns, sometime 6a St Swithin Street, Aberdeen, now 130 Hamilton Place, Aberdeen AB15 5BB ("the Landlord")

**NOTICE TO PETER MEARNES
("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 5 January 2016 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 28 August 2016, before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

___ **Valerie Clark** witness

___ **George Clark** chairman



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

prhp Ref: PRHP/RP/15/0263

Re : Property at 1 Leslie Road, Aberdeen AB24 4HU (“the Property”)

The Parties:-

Steven Smith, 1 Leslie Road, Aberdeen AB24 4HU (“the Tenant”) and

Peter Mearns, sometime 6a St Swithin Street, Aberdeen, now 130 Hamilton Place, Aberdeen AB15 5BB (“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 Notice in relation to the house concerned, made on 5 January 2016, determined that the Landlord complied with the Order and that a Certificate of Completion to that effect should be issued.

Background

1. By application dated 18 September 2015, received on 29 September 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,
 - (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,
 - (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,
 - (e) any furnishings provided by the Landlord under the tenancy are capable of being used for the purpose for which they are designed, and
 - (f) the house has satisfactory provision for detecting fires and for giving warning in the event of a fire or suspected fire.

3. By letter dated 10 November 2015 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
4. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant.
5. Following service of the Notice of Referral the Tenant (by letter dated 25 November 2015, submitted on his behalf by Shelter Scotland), made written representations to the Committee. The Landlord (by letter dated received on 8 December 2015), made written representations to the Committee.
6. The Private Rented Housing Committee inspected the Property on the morning of 5 January 2016. The Tenant's mother, Kathleen Luke and Hamish Mackenzie, Private Rented sector Adviser with Shelter Scotland, represented the Tenant at the inspection and the subsequent hearing. The Landlord was not present or represented at the inspection or the subsequent hearing.
7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Credo Centre, 14-20 John Street, Aberdeen AB25 1BT.
8. The Committee comprised George Clark (Chair) and Mike Links (surveyor member). In attendance as an observer was Ruth O'Hare.
9. Following the inspection and hearing, the Committee made a Repairing Standard Enforcement Order in respect of the Property ("the Order"). The Order required the Landlord:-
 - To carry out such works, being repair or replacement, to the window in the kitchen area of the Property to render it safe and to render the Property wind and water tight.
 - To replace the broken/missing glazing in the main entrance door to the Property with glass which meets current safety regulations.
 - To refit the detached section of skirting board in the living room/kitchen of the Property.
 - To obtain from a suitably qualified damp specialist a report and estimate in respect of the dampness at the base of the staircase leading from the street-level door to the main entrance door to the Property and to instruct suitably qualified contractors to carry out all remedial works specified in the report.
 - To exhibit a current Gas Safety Certificate in respect of the gas installation in the Property, including the central heating boiler.
 - To exhibit a current Electrical Installation Condition Report in respect of the Property and to instruct a suitably qualified electrician to remedy any defects specified in the report.
 - To replace the cooker within the Property.
 - To instruct a suitably qualified contractor to carry out such repairs as are necessary to ensure the Sadia hot water geyser in the Property is in proper working order, or to replace same.
 - To install in the Property interlinked, mains-wired smoke detectors and a heat alarm in the kitchen of the Property, all of which comply with the revised Domestic Technical Handbook and the Scottish Government's guidance on the requirements for smoke alarms.

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

10. The surveyor member of the Committee reinspected the Property on 17 March 2016. The Tenant had vacated the Property, so was not present or represented at the reinspection. The Landlord was present at the reinspection.
11. The surveyor member reported that the broken glass in the main entrance door to the Property had been removed and replaced in Perspex. The missing section of skirting

board had been replaced. The original staircase had been made redundant by the stairwell having been floored over. Consequently, the area affected by dampness no longer formed part of the living area of the Property. The Landlord advised the surveyor member of the Committee that the dampness had been caused by a leaking downpipe contained within an internal pipe chase and that the pipe had been repaired by putting a collar at the junction of plastic and lead piping. The surveyor member of the Committee was, however, unable to examine the affected wall. A new cooker/hob had been installed and the Sadia hot water heater was tested and found to be operating properly. The glazing in the kitchen window had not been repaired or replaced, the Landlord had not exhibited a current Gas Safety Certificate or Electrical Installation Condition Report and no smoke or heat detectors had been installed. The Landlord advised the surveyor member of the Committee that it was his intention to install a wireless interconnected system of smoke and heat detection.

12. The surveyor member of the Committee inspected the Property again on 22 July 2016. He reported to the Committee that the main entrance door had now been fitted with safety glass and that a new kitchen window was in the process of being installed at the time of the inspection. A current Electrical Installation Condition Report had been exhibited. It listed a number of tests rated as C3, but none as C1 or C2. Smoke and heat detectors had been fitted. The surveyor member of the Committee also noted that the Landlord had re-let the Property and was advised by the Landlord, who was present at the inspection, that it had been let on a Short Assured Tenancy for 6 months commencing 1 June 2016.
13. The Landlord subsequently provided the Committee with a Gas Safety Certificate dated 27 July 2016. The Committee was satisfied with the Certificate, which confirmed the system was safe to use.
14. On 10 August 2016, the Landlord advised the Committee that the C3 items on the Electrical Installation Condition Report had been attended to. He told the Committee that he had been unaware that he was not permitted to re-let the Property whilst the Repairing Standard Enforcement Order was in place. He apologised for having done so, but added that the repairs were all in hand or completed by the time the Property was re-let.

Summary of the Issues

15. The issues to be determined were whether the Landlord had carried out the work required by the Repairing Standard Enforcement Order in respect of the Property and whether a Certificate of Completion to that effect should be issued.

Findings of fact

16. The Committee finds the following facts to be established:-
 - The work required by the Repairing Standard Enforcement Order has been carried out.
 - The Committee is satisfied with the Electrical Installation Condition Report, as it does not contain any items coded C1 (danger present) or C2 (potentially dangerous).
 - The area affected by dampness no longer forms part of the let Property.
 - The Landlord has re-let the Property whilst the Order remains in force. This is a contravention of Section 28(5) of the Housing (Scotland) Act 20016.
 - The Gas Safety Certificate in respect of the Property post-dates the commencement of the new tenancy.

Reasons for the decision

17. The Committee is satisfied that the Landlord has carried out all the works required by the Order and is, therefore, prepared to issue a Certificate of Completion to this effect, but notes, with concern, that the Landlord re-let the Property with effect from 1 June 2016. The Committee accepts that the Repairing Standard Enforcement Order does not specifically state that it is an offence to re-let the Property whilst the Order remains in

force, but the Landlord that is deemed to be aware of the requirements of all legislation and regulation affecting the letting of residential property.

18. Decision

- 19. The Committee accordingly determined that the Landlord had carried out the work required by the Repairing Standard Enforcement Order in respect of the Property and that a Certificate of Completion to that effect should be issued.
- 20. The decision of the Committee was unanimous.

Right of Appeal

- 21. **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

- 22. 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.

Signed **George Clark** Date 28 August 2016
Chairperson