



Certificate of Completion of Work

Under Section 60 of the Housing (Scotland) Act 2006

PRHP/RP/15/0273

Search Sheet Number: 26963

Re: The residential dwelling house being the north most house on the top floor at Flat 3F2, 11 Murdoch Terrace, Edinburgh, EH11 1BE as more particularly described in the Disposition of 1 September 1986 by John Bourne, formerly 8 Hill Street, Edinburgh to Jennifer Elizabeth Leprince, PO Box 305, Cessnock, New South Wales, Australia recorded on 15 September 1986 in the General Register of Sasines for the County of Edinburgh.

("the Property")

The Parties:-

**Mr Kyle Andrews and Mr Rafal Sitko
formerly resident at the Property**

("the Tenants")

and

**Ms Jennifer Elizabeth Leprince
C/o The Flat Company
61A Queen Street
Edinburgh
EH2 4NA**

("the Landlord")

The Committee comprised:

**Mr Ron Handley – Chairperson
Mr Ian Murning – Surveyor**

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 21 January 2016 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 17 April 2016 before this witness:-

Ryan Handley

Witness

Ronald Handley

Chairperson

Ryan Handley Name in full

LESLIE WAY DUNBAR Address of Witness

EAST LOTHIAN EH42 16P

STUDENT Occupation



Statement of Reason

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Background

1. On 9 October 2015 the Tenants 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. In December 2015 the Tenants advised the Committee that they had vacated the Property. Accordingly, under paragraph 7(1) of Schedule 2 of the Act the Tenants were treated as having withdrawn their application under section 22(1) of the Act.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.

3. Given that the Tenants alleged that there were significant dampness issues within the Property, the Committee concluded that the application should be determined due to the nature of the alleged defects and the potential effect on any future tenants or occupiers if the allegations were substantiated. Consequently the Committee decided to determine the application in accordance with a Minute of Continuation dated 28 December 2015.

The Application

4. In their application the Tenants 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).
5. It was submitted that the Landlord had failed to ensure that the Property was wind and water tight and in all other respects reasonably fit for human habitation. It was also submitted that the structure and exterior of the house was not in a reasonable state of repair and not in proper working order.

The Inspection

6. The Committee inspected the Property on 12 January 2016 at 1000hrs. The Landlord was represented by Mr Dietrich Zank, Maintenance Director, The Flat Company.

The Hearing

7. A Hearing was arranged to take place after the inspection at 1100 hrs in George House, 126 George Street, Edinburgh, EH2 4HH. Mr Zank attended the Hearing on behalf of the Landlord.

Findings

8. The Committee found that the roof of the Property was not wind and watertight and was not in a reasonable state of repair. As a consequence of the poor state of repair of the roof, there has been water ingress within the Property. Moreover part of the ceiling in the Property has been damaged by water ingress and was not safe and required to be repaired.
9. The Committee found that the Property did not meet the Repairing Standard (as defined in the Act) and proceeded to make a Repairing Standard Enforcement Order ("the RSEO").

The Re-inspection

10. The Surveyor member of the Committee re-inspected the Property on 21 March 2016 at 1030hrs.

11. Having considered the re-inspection report, the Committee determined that appropriate repairs had been carried out to the roof of the Property and that it was wind and water tight. However a section of the ceiling in the living room had still to be replaced and water damaged areas in the kitchen and attic area had still to be re-instated. Moreover re-decoration had to be carried out within the Property.
12. On 5 April 2016 the Landlord's representative made photographs available for the Committee to consider. Having considered these photographs the Committee were satisfied that the previously referred to outstanding works had been properly completed.
13. The Committee were satisfied that the Landlord had complied with the duty imposed by section 14(1)(b) of the Act and the Committee discharged 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.

Ronald Handley _____
Chairperson

17/4/2016
Date