

Determination by Private Rented Housing Committee

Statement of Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 60(5) of the Housing (Scotland) Act 2006

Re:- Property at 6A Cairnhope Avenue, Airdrie, ML6 9EH ("**the property**")

Land Register Title Number:- **LAN29910**

The Parties:-

Thomas Clark residing at 6A Cairnhope Avenue, Airdrie, Lanarkshire, ML6 9EH ("**the tenant**")

And

James Alexander Kirkwood residing at 2 Strathnaver Crescent, Airdrie, ML6 6ES and John Alexander Cowell residing at 19 Inchwood Place, Cumbernauld, G68 9EA as individuals and as partners of and Trustees of the firm of C K Properties having a place of business at 6 Linlithgow Place, College Milton North, East Kilbride, G74 1GL ("**the landlords**")

The Committee comprised:-

Mr James Bauld - Chairperson
Mr Michael Links - Surveyor member
Mr Christopher Harvey - Housing member

Background:-

1. On 10 June 2009 the Private Rented Housing Committee ("the Committee") issued a determination which decided that the landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date the Committee issued a Repairing Standard Enforcement Order in respect of the property.
2. On 28th July 2009, Mike Links, Surveyor member of the Committee, re-inspected the property accompanied by the tenant. At that date all of the works required in terms of the Repairing Standard Enforcement Order had been completed with the exception of works required to the storage heaters.
3. In November 2009, the tenant wrote to the Private Rented Housing Panel offices. The tenant indicated in the letter that the works required to the storage heaters had now been completed and the tenant was satisfied that the storage heaters were now functioning properly. The tenant accordingly indicated to the Committee that he accepted that the landlords had now carried out all works required in accordance with the Repairing Standard Enforcement Order previously issued by the Committee.
4. The Committee did not carry out any further re-inspection of the property but accepted the word of the tenant. The Committee were accordingly satisfied that the landlords had carried out all works necessary in terms of the Repairing Standard Enforcement Order.

Determination:-

5. The Committee having carried out a re-inspection of the property and having heard from the tenant that he was satisfied that all necessary works in accordance with the Repairing Standard Enforcement Order had been completed now certify that the work has been so completed. In the circumstances the Committee have determined to issue a Certificate of Completion in respect of the property.

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 28 days from the day on which the appeal is abandoned or so determined.

Signed ... **J Bauld**

Date ... *1 February 2010*

James Bauld, Chairperson

Signature of Witness... **R King** Date... *1/2/2010*

Name, address and occupation of the witness (please print):-

Robina King, Legal Secretary
7 West George Street
Glasgow, G2 1BA

CERTIFICATE OF COMPLETION OF WORK

Issued by the Private Rented Housing Committee

Under Section 60 of The Housing (Scotland) Act 2006

Re: Property at 6A Cairnhope Avenue, Airdrie, ML6 9EH ("the Property")

Title No. LAN29910

The Parties:-

Thomas Clark residing at 6A Cairnhope Avenue, Airdrie, Lanarkshire, ML6 9EH

("the tenant")

James Alexander Kirkwood residing at 2 Strathnaver Crescent, Airdrie, ML6 6ES and John Alexander Cowell residing at 19 Inchwood Place, Cumbernauld, G68 9EA as individuals and as partners of and Trustees of the firm of C K Properties having a place of business at 6 Lithgow Place, College Milton North, East Kilbride, G74 1GL

("the landlords")

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 19th June 2009 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the Property has been discharged.

A landlord or 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 and the preceding page(s) are executed by James Bauld, Solicitor, 7 West George Street, Glasgow G2 1BA, Chairperson of the Private Rented Housing Committee at Glasgow on 1 February 2010 before this witness:

R King

.....
(witness)

J Bauld

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(Chairman)

Name: Robina King
Address: 7 West George Street, Glasgow G2 1BA
Occupation: Legal Secretary

1 February 2010