



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/16/0009

Re : Property at 503 Leyland Road, Bathgate EH48 2GU ("the Property/the house")

Title Number: WLN46564

The Parties:-

Miss Marisa Skillern and Rosario Sava, both residing at 503 Leyland Road, Bathgate EH48 2GU ("the Tenant")

Alan Mollison and Leigh Andrea Mollison, care of Turpie and Co, 5-9 Edinburgh Road, Bathgate EH48 1BA ("the Landlord")

**NOTICE TO ALAN MOLLISON AND LEIGH ANDREA MOLLISON
("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 dated 13 May 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 9 September 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

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The Parties:-

Miss Marisa Skillern and Rosario Sava, both residing at 503 Leyland Road, Bathgate EH48 2GU ("the Tenant")

Alan Mollison and Leigh Andrea Mollison, care of Turpie and Co, 5-9 Edinburgh Road, Bathgate EH48 1BA ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has carried out the works required by the Repairing Standard Enforcement Order in respect of the Property made on 13 May 2016, determined that the Landlord had carried out the works and that a Certificate of Completion to that effect should be issued.

Background

1. By application received on 15 January 2016 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,
 - (f) the house has satisfactory provision for detecting fires and for giving warning in the event of a fire or suspected fire, and
 - (g) the house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.

3. By letter dated 31 March 2016 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. The Private Rented Housing Committee inspected the Property on the morning of 13 May 2016. The Committee comprised George Clark (Chairman) and Susan Napier (Surveyor Member)
6. Following the inspection of the Property the Private Rented Housing Committee held a hearing at Linlithgow Burgh Halls, Cross House, Linlithgow EH49 7AH.
7. Following the inspection and hearing, the Committee made a Repairing Standard Enforcement Order in respect of the Property. The Order required the Landlord to carry out such work as was required to make the window in the main bedroom of the Property wind and water tight and to carry out such work as was required to restore the guttering on the gable wall adjacent to the Property to proper working order. The Committee ordered that the works specified in the Order must be carried out and completed within the period of 8 weeks from the date of service of this Notice.
8. Following intimation from both parties that the works required by the Repairing Standard Enforcement Order had been completed, the surveyor member of the Committee reinspected the Property on 19 August 2016. A copy of the reinspection report and a file of photographs taken at the reinspection are attached to and form part of this Statement of Decision.
9. The surveyor member reported that she had found the Property to be in good condition, with all outstanding works completed. In particular, all of the windows had been resealed, including the window in the main bedroom, and the Tenant, who was present at the reinspection, confirmed that the developers, Persimmon Homes, had arranged for the gutter to be repaired and that there had been no further problems with rainwater leaking from the gutter on to the main bedroom window and window sill.
10. The reinspection report was sent to the parties for comment.
11. On 28 August 2016, the Tenant confirmed agreement with the report, but requested that the Committee issue a Rent Relief Order of 15%, because it had taken the Landlord so long to resolve the issue of complaint.
12. On 2 September 2016, the landlord's agent confirmed agreement with the report.

Summary of the issues

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

Findings of fact

14. The Committee finds that the work required by the Order has been completed and that this has been confirmed by the Landlord and the Tenant.
15. The Committee can only make a Rent Relief Order where a landlord has failed to carry out the work required by a Repairing Standard Enforcement Order, so has no power to make a Rent Relief Order in this case.

Decision

16. As the work required by the Order has been completed, a Certificate of Completion to that effect should be issued.
17. The decision of the Committee was unanimous.

Right of Appeal

18. **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

19. 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: 9 September 2016
Chairperson



PRHP Reference PRHP/RP/16/0009
Property – 503 Leyland Road, Bathgate EH48 2GU

Reinspection Report 19 August 2016



Report on Reinspection following Repairing Standard Enforcement Order dated 13 May 2016

1.0 SUMMARY

This property was inspected on 13 May 2016 by the PRHP Committee. A reinspection was carried out on Friday 19 August 2016 at 1000 by Susan Napier, PRHP Surveyor. The tenants, Miss Marisa Skillern and Rosario Sava, and the landlord's agent Kirsty McLaughlin of Turpie & Co were in attendance.

The property is currently occupied.

At the time of the inspection the weather was light cloud and dry, with light wind.

Photographs taken on 13 May 2016 and 19 August 2016 are attached in Appendix 1.

2.0 Repairing Standard Enforcement Notice

2.1 The following works were required by the PRHP in the Repairing Standard Enforcement Notice issued on 13 May 2016:

2.1.1 To carry out such work as is required to make the window in the main bedroom of the property wind and water tight.

2.1.2 To carry out such work as is required to restore the guttering on the gable wall adjacent to the property to proper working order.

3.0 Reinspection

3.1 At the reinspection on 19 August 2016 the flat was found to be in good condition with all outstanding works completed, and the following was observed:

3.1.1 All the windows had been resealed, including the main bedroom window.

3.1.2 The tenants advised that the developer, Persimmon Homes, had arranged for the gutter to be repaired, and there had been no further problems with rainwater leaking from the gutter onto the main bedroom window and window sill.

4.0 Recommendations

The work required in the RSEO dated 13 May 2016 had all been completed and both the tenants and the landlord's agent confirmed that there were no outstanding issues.

Susan Napier, BSocSc, FRICS
Surveyor Member PRHP
24 August 2016