



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/16/0015

Re : Property at 34 Ochiltree Gardens, Edinburgh EH16 5SN ("the Property")

Title Number: MID59285

The Parties:-

M/s Kataryna Kopec, residing at 34 Ochiltree Gardens, Edinburgh EH16 5SN ("the Tenant") and

Douglas Walter Dyball and Mrs Sheila Dyball, residing together at 36 The Spinney, Gilmerton, Edinburgh EH17 7LD ("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 4 April 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 8 July 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 60 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 complied with the Repairing Standard Enforcement Order made on 4 April 2016, determined that the Landlord has complied with the Order and that a Certificate of Completion to that effect should be issued.

Background

1. By application, received on 19 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 the 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 and
3. By letter dated 18 February 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. Following service of the Notice of Referral, the Tenant, by letter dated 3 March 2016, and the Landlord, by letter dated 1 March 2016 made written representations to the Committee.
6. The Private Rented Housing Committee inspected the Property on the morning of 4 April 2016. The Tenant was present at the inspection, along with her representative, Mr James Graham, 49 Ochiltree Gardens, Edinburgh. The Landlord was not present or represented at the inspection.
7. Following the inspection of the Property the Private Rented Housing Committee held a hearing at George House, 126 George Street, Edinburgh EH2 4HH. The Tenant and her Representative were present at the hearing. The Landlord was neither present nor represented at the hearing.

8. The Committee comprised George Clark (Chair) and Ian Murning (surveyor member).
9. Following the inspection and hearing, the Committee made a Repairing Standard Enforcement Order in respect of the Property. The Order required the landlord:-
 - (1) To replace the section of plasterboard ceiling above the cupboard in the rear bedroom of the Property, which appear to have been water damaged and is warped.
 - (2) To carry out appropriate fungicidal treatment to all areas of the Property affected by black mould and thereafter carry out the consequential redecoration and
 - (3) To empty any water that is lying in the plastic container located in the attic of the Property.

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

10. The surveyor member of the Committee reinspected the Property on 2 June 2016. The Tenant was in attendance at the reinspection. The Landlord was not present or represented at the reinspection.
11. A file of photographs, taken at the reinspection, is attached to and forms part of this Statement of decision.
12. The surveyor member reported to the Committee that the works required under Items (1),(2) and (3) of the Repairing Standard Enforcement Order, described in Paragraph 9 above had been completed, the redecoration consequent on the works was of a good standard, the plastic container in the loft had been removed, and there was no sign of dampness or condensation in the Property or water penetration into the loft.
13. Both parties accepted the terms of the Reinspection Report

Findings of fact

14. The Committee finds that the Landlord has carried out the works required by the Repairing Standard Enforcement Order.

Decision

15. The Committee accordingly determined that the Landlord had complied with the Repairing Standard Enforcement Order and that a Certificate of Completion to that effect should be issued.
16. The decision of the Committee was unanimous.

Right of Appeal

17. **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

18. 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.

George Clark

Signed .

Chairperson Date 8 July 2016

34 Ochiltree Gardens
Edinburgh
EH16 5SN

PRHP/RP/16/0015
Re-Inspection 2nd June 2016
Surveyor Ian H Murnigh TD

Side and Rear Elevations



Repaired ceiling inside cupboard



Redecorated ceiling at corner of room



Redecorated ceiling and operational vent



Redecorated area above curtain rail



Loft showing where container removed

