



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: prhp/EH15/169/12

Re : Property at 5/2 Brighton Place, Edinburgh EH15 1LH("the Property")

Sasine Description: ALL and WHOLE the northmost house on the first flat above the street flat entering by the common passage and stair Number 5 Brighton Place, Edinburgh, in the County of Midlothian, being the subjects more particularly described in and disposed by Disposition by Joseph Waugh, with consent thereinmentioned, in favour of Co-operative Permanent Building Society, dated 10 and 18 and recorded in the Division of the General Register of Sasines applicable to the County of Midlothian 21, all days of July 1961.

The Parties:-

Sofia Jawaid Mir, formerly 26 Duddingston Crescent, Edinburgh and now 140 Portobello High Street, Edinburgh EH15 1AH ("the Landlord")

Miss Elizabeth Fraser, 5/2 Brighton Place, Edinburgh EH15 1LH ("the Tenant")

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 17 December 2012 and served on 16 January 2013 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, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 15 July 2013 before this witness:-

V Clark

witness

G Clark

chairman

Valerie Elizabeth Jane Clark

7 Newbattle Terrace

Edinburgh EH10 4RU



Statement of decision of the Private Rented Housing Committee under Section 60 (5) of the Housing (Scotland) Act 2006

prhp Ref: prhp/EH15/169/12

Re : Property at 5/2 Brighton Place, Edinburgh EH15 1LH ("the Property")

The Parties:-

Miss Elizabeth Fraser, 5/2 Brighton Place, Edinburgh EH15 1LH ("the Tenant")

Ms Sofia Jawaid Mir, formerly 26 Duddingston Crescent, Edinburgh, now 140 Portobello High Street, Edinburgh EH15 1AH ("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 duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the house concerned, determined that the Landlord has complied with the duty imposed by Section 14 (1)(b) of the Act and with the Repairing Standard Enforcement Order in respect of the Property dated 17 December 2012 and served on the Landlord on 16 January 2013.

Background

- 1 By application dated 31 August 2012, 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.
- 3 By letter dated 22 October 2012 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 ("the Committee") inspected the Property on the morning of 17 December 2012. The Tenant and the Landlord were present during the inspection. The Committee comprised George Clark (chair), Donald Marshall (surveyor) and Christine Anderson (housing member).
- 5 Following the inspection of the Property the Committee held a hearing at Thistle House, Haymarket Terrace, Edinburgh and heard from both the Tenant and the Landlord. The Landlord was accompanied by Afzal Boksh, a friend of the Landlord's family. The Tenant was accompanied by Sara Booth of EHAP.
- 6 Having heard the representations made by and on behalf of the Landlord and Tenant, the Committee issued a Repairing Standard Enforcement Order. The Order was dated 17 December 2012 and was served on the Landlord on 16 January 2013.
- 7 The surveyor member of the Committee re-inspected the Property on 4 March 2013 and advised that a number of the repairs included in the Repairing Standard Enforcement Order had been carried out, but that a number remained outstanding, in particular the application of a skim of plaster to the plasterboard sheeting in two of the bedrooms. The

external common repair works to the tenement of which the Property forms part had not yet been completed.

- 8 The Private Rented Housing Panel was advised by the Landlord on 17 April 2013 that the Tenant had vacated the Property on 6 April 2013 and the Committee had, therefore, to determine whether the application should be abandoned in terms of Schedule 2 Paragraph 7(3) of the Act. The Tenant had, prior to vacating the property, made representations to the Private Rented Housing Panel to the effect that the plaster work in two of the bedrooms included in the Repairing Standard Enforcement Order had been carried out, but that the plaster was still wet. Accordingly, the Committee decided that it would not be appropriate to discharge the Repairing Standard Enforcement Order or to regard the application as abandoned until the surveyor member of the Committee re-inspected the Property and confirmed that the plaster was dry. The Committee emphasised that the Landlord should not re-let the Property until the further inspection had been carried out and the Committee was satisfied that the plaster had dried out.
- 9 The Committee was of the view that a further period of one month from the date of intimation of its determination should be granted to enable the Landlord to comply with the terms of the Repairing Standard Enforcement Order. A Variation of the Repairing Standard Enforcement Order was made and duly served.
- 10 The surveyor member of the Committee re-inspected the Property on 15 July 2013 and advised that all of the works required by the Repairing Standard Enforcement Order have been carried out and that the plaster work had dried out.
- 11 The Committee determined that a Certificate of Completion of Work should be issued.
- 12 The decision of the Committee was unanimous.

Right of Appeal

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

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 G Clark Date 15 July 2013
Chairperson