

Determination by the Private Rented Housing Committee
Statement of Decision of the Private Rented Housing
Committee under Section 24 (1) of the Housing
(Scotland) Act 2006

Re: The residential dwellinghouse at
9 The Cottages, Old Scone,
Perth, PH2 6BB.
("the Property")

The Parties:-

Mr Allan Bryson
resident at the Property
("the Tenant")

and

Mansfield Estates
Estate Office
Scone Palace
Perth
PH2 6BD
("the Landlord")

The Background

1. On 3 June 2009 Mr Bryson 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. Following receipt of Mr Bryson's application, the President of the PRHP intimated that the application should be referred to a Private Rented Housing Committee in accordance with Section 22(1) of the Act.
3. The Committee served a Notice of Referral on the Landlord and on Mr Bryson in accordance with the terms of Schedule 2, Paragraph 1 of the Act.
4. The Committee inspected the property on 4 September 2009 at 10.00 am. Mr Bryson was present during the inspection. The Landlord was represented at the inspection by Mr Hugh Anderson. A Hearing took

place after the inspection at 11.00 am in the Dewars Centre, Glover Street, Perth.

The Application

5. In his application Mr Bryson submitted that the Repairing Standard had not been met for the following reasons:
 - the Property was not wind and not water tight and was not in all other respects fit for human habitation;
 - the structure and exterior of the Property (including the drains, gutters and external pipes) were not in a reasonable state of repair and not in proper working order;
 - the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and water heating were not in a reasonable state of repair and not in proper working order.

Mr Bryson submitted that the kitchen and bathroom required extractor fans and it was not possible to open some of the windows. Moreover the front door frame did not fit properly and there was dampness within the Property.

Decision

6. The Committee determined that the Landlord had failed to comply with the duty imposed by section 14(1) (b) of the Act.
7. The Committee proceeded to make a Repairing Standard Enforcement Order as required by section 24(1) of the Act.
8. The decision of the Committee was unanimous.

The Re-Inspection

9. On 1 December 2009 a member of the Committee re-inspected the Property and was satisfied that the works required by the Repairing Standard Enforcement Order dated 18 September 2009 had been completed. Consequently the Committee thereafter determined that the said Repairing Standard Enforcement Order was discharged

Right of Appeal

10. A Landlord or Tenant 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

11. 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.

Signed.... **R Handley** Date..... 1/2/2010.....
Chairperson

**Certificate of Completion of Work
Issued by the Private Rented Housing Committee
Under section 60 of the Housing (Scotland) Act 2006**

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CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order dated 18 September 2009 relative to the Property has been completed. Accordingly, the said Repairing Standard Enforcement Order 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 type are subscribed by Ronald G Handley, solicitor, chairperson of the Private Rented Housing Committee at Edinburgh on the first day of February 2010 before this witness:-

K Robertson _____ witness **R Handley** _____ chairperson

KA
KIRSTY ROBERTSON _____ name in full

SENIOR LEGAL SUPPORT OFFICER occupation

CITY CHAMBERS, HIGH STREET

EDINBURGH _____ address