



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

prhp Ref: PRHP/AB54/56/10

Re: Property at Gardener's Cottage, Glenbogie, Rhynie, Aberdeenshire, AB54 4JA ("the Property")

The Parties:-

Mrs Irene Blades residing at Gardener's Cottage, Glenbogie, Rhynie, Aberdeenshire, AB54 4JA ("the Tenant")

Robert Malcolm Hunter Brown residing at Glenbogie House, Glenbogie, Rhynie, Huntly (represented by his agent Shane Greig of Messrs Burnett & Reid, 15 Golden Square, Aberdeen, AB10 1WF) ("the Landlord")

Decision

The Private Rented Housing Committee, having made such enquiries as was fit for the purposes of determining whether the Landlord had complied with Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and, taking account of subsequent inspections by the Committee determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

Background

1. By way of a Decision dated 21 July 2010, the Private Rented Housing Committee had issued a determination that 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 Committee had placed an RSEO on the Property also dated 21 July 2010. The RSEO required the Landlord to:-
 - (a) To obtain a report on the roof and guttering of the Property from a reputable roofer with particular reference to the condition of the roof vis a vis ingress of water at the kitchen, bathroom and lounge windows and to carry out any recommendations of the said report to ensure there is no further ingress of water into the Property via the said windows.
 - (b) To carry out such decorative works as are necessary to make good damage to paintwork within the Property as a result of previous water ingress.
 - (c) To repair or replace the guttering at the front of the porch and to repair or replace any loose or missing slates on the front porch roof and to remove the moss growing on the said roof.
3. Subsequent to the issuing of the RSEO a further Inspection and Hearing was held on 17 September 2010. During the course of that Inspection and Hearing it was noted that Items (a) and (c) above had been dealt with but that Item (b) had not been. The Committee had then issued a Variation to the RSEO allowing the Landlord a further 28 days to carry out the works referred to in (b) above.

4. Mr Colin Hepburn, the Surveyor Member, again inspected the Property on 4 November 2010. The Landlord, in addition to touching up the areas where water damage had originally occurred, had now repainted the living room, kitchen, bathroom and the inside of the porch. The Surveyor Member confirmed that the redecoration had been carried out to an appropriate standard. Whilst at the Property he again tested the living room, kitchen and bathroom for any residual damp. None was found. The Tenant had again mentioned, during the course of the inspection, that no formal roof report had been provided in terms of item (a) of the original RSEO. The Committee had previously discussed this issue at the second hearing and although a formal report had originally been requested an invoice had been exhibited which had showed the works which had been carried out and there had, since then, been no further instances of water ingress. On that basis the Committee had been prepared to dispense with the requirement for the report.
5. The Committee reviewed the findings of the Surveyor Member and now considered that the terms of the RSEO had been complied with and that the Property now met the repairing standard. The Committee accordingly decided to issue a Certificate of Completion discharging the RSEO under Section 60 of the Housing (Scotland) Act 2006.
6. The decision of the Committee was unanimous.

Right of Appeal

7. 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

8. 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
Chairperson

E Miller

..... Date..... 19.11.2010



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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Re: Property at Gardener's Cottage, Glenbogie, Rhynie, Aberdeenshire, AB54 4JA ("the Property")

Sasine Description: ALL and WHOLE that property known as and forming Gardener's Cottage, Glenbogie, Rhynie being part and portion of the subjects described in Disposition by Susan Mary Bachelor or Brown in favour of Robert Malcolm Hunter Brown recorded in the Division of the General Register of Sasines for the County of Aberdeen on 12 April 2006.

The Parties:-

Robert Malcolm Hunter Brown residing at Glenbogie House, Glenbogie, Rhynie, Huntly (represented by his agent Shane Greig of Messrs Burnett & Reid, 15 Golden Square, Aberdeen, AB10 1WF) ("the Landlord")

Mrs Irene Blades residing at Gardener's Cottage, Glenbogie, Rhynie, Aberdeenshire, AB54 4JA ("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 served on 21 July 2010 and as amended by the Variation dated 22 September 2010 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 type written on this and the preceding page(s) are executed by Ewan Kenneth Miller, solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, chairperson of the Private Rented Housing Committee at Dundee on 19 November 2010 before this witness:-

L Johnston

witness

E Miller

Chairman

Lindsay Johnston
Legal Secretary
Whitehall House
33 Yeaman Shore
Dundee DD1 4BJ