



Statement of facts and reasons for

Decision to grant Certificate of completion of work

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: DD11/59/13

Re : Property at 26D Ladybridge Street, Arbroath, DD11 1AR being All and Whole the house & c. 26, Ladybridge Street, Arbroath, referred to in the Disposition in favour of William Smith and Another recorded Aberbrothock Burgh Register 17 May 1919. (search sheet for the county of Angus No 32913) ("the Property")

The Parties:-

Arvis Dimitrijevs, formerly of 26D Ladybridge Street, Arbroath, Angus, DD11 1AR ("the former Tenant")

Mohammed Ashraf of Mohammed Ashraf Properties, 35 High Street, Arbroath, Angus DD11 1AN ("the Landlord")

Statement of facts and reasons.

Background

1. On 23 July 2013, the Private Rented Housing Committee issued a decision requiring the Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 22 July 2013.
2. On 2 September 2013 the surveyor member of the Committee re-inspected the property. The Landlord was not present or represented.
3. The surveyor member was unable to gain access to the property but noted that none of the works required in terms of the Repairing Standard Enforcement Order appeared to have been undertaken and all the works remained outstanding.

4. The surveyor member contacted the Landlord by telephone who confirmed that none of the work specified in the Repairing Standard Enforcement Order had been completed. The Landlord stated that the property was unoccupied and it appeared to the surveyor member that the property was indeed now unoccupied.
5. The Landlord was written to enquiring as to whether or not he had a reasonable excuse for failing to comply with the order and enquiring as to how he intended to ensure compliance with the order. The Landlord replied stating that the previous Tenant had left the property in a bad state of repair with a lot of rent arrears and they were still recovering from the loss. The Landlord confirmed that the property was unoccupied and that once the property was ready for the rental market again they would contact the Private Rented Housing Panel so that the Panel could be satisfied that the Repairing Standard Enforcement Order had been fully complied with before the property was leased out.
6. On 18 April 2014 the surveyor member of the Private Rented Housing Committee attended the property for a re-inspection. The Landlord did not attend the re-inspection and the surveyor member was unable to gain access to the property. It appeared from an external inspection that the repairs had not been carried out. The surveyor member telephoned the Landlord to ask if he was going to come to the appointment and whether or not he had carried out the necessary repairs and whether the property was occupied or not. The Landlord stated that he had no intention of coming to the inspection and that he was too busy to attend to repairs and that the property was still unoccupied. It appeared to the surveyor member that the property may have been re-let as there were personal effects visible at the windows, a new household waste bin adjacent to the front door and it sounded as if someone was walking around inside the property. The occupier of the flat below confirmed that the property was occupied.
7. In the circumstances another re-inspection was arranged for 31 July 2014. The Committee attended and gained access to the property (provided by the new Tenants). The Committee found that the works outstanding as set out in the Repairing Standard Enforcement Order dated 22 July 2013 had still not been done. The Committee accordingly found that in terms of Section 26(1) of the Housing (Scotland) Act 2006 the Landlord had failed to comply with the terms of the Repairing Standard Enforcement Order. This decision was served on the Landlord and a Notice of Failure was also served on the Local Authority.
8. The Committee also noted that the Landlord had committed an offence in terms of Section 28 of the Housing (Scotland) Act 2006 as he had re-let the property while the Repairing Standard Enforcement Order was still in force.
9. The Landlord then sent in an email on 8 September 2014 confirming that the works to repair the windows had been carried out and he attached a letter from the tradesman confirming this. The Committee did not consider that the letter from the contractor covered all the outstanding works and accordingly

the surveyor member of the Committee attempted to re-inspect the property but was unable to gain access on either 17th or 18th November 2014. The new Tenant of the property however confirmed to the surveyor member that repairs had been carried out to the windows. Given the contractor's letter provided and the confirmation from the new Tenant, the Committee was satisfied that the defective window catches, have now been repaired. The remaining misted double glazed window on its own does not justify continuing with the Repairing Standard Enforcement Order, having regarding to the age and character of the property.

10. In the circumstances the Committee considered it appropriate to issue a Certificate of Completion.

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.

Where such an appeal is made, the effect of the decision and the Certificate 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 Certificate are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed
(Judith V Lea, Chairperson)

.....Date..... 11/122014



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Issued by the Private Rented Housing Committee

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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 23 July 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 type written on this page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on December 2014 before this witness:-

_____ witness

Judith Lea chairman

~~Rachel Graham~~ / Maxine Smith
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