



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/DD8/67/11

Re: Property at 1 West Mains of Kincaldrum, Forfar, DD8 1TT ("the Property")

Sasine Description: ALL and WHOLE that Property known as and forming cottage at 1 West Mains of Kincaldrum, Forfar, DD8 1TT being part and portion of the subjects described in Disposition by Trustees of Edward Armitstead Baxter and Kinreich Estate Company Limited with consent in favour of Bradford Equitable Building Society recorded in the Division of the General Register of Sasines for the County of Angus on 12th July 1954

The Parties:-

JOHN STEPHEN SPENCE residing at West Mains of Kincaldrum Farm, Forfar, DD8 1TT ("the Landlord")

PETER McLAREN residing at 1 West Mains of Kincaldrum, Forfar, DD8 1TT ("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 8 June 2011 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 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 10th August 2012 before this witness:-

L Johnston

witness

E Miller

Chairman

Lindsay Johnston
Secretary
Thorntons Law LLP
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ



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

prhp Ref: PRHP/DD8/67/11

Re: Property at 1 West Mains of Kincaldrum, Forfar, DD8 1TT ("the Property")

The Parties:-

PETER McLAREN residing at 1 West Mains of Kincaldrum, Forfar, DD8 1TT ("the Tenant")

JOHN STEPHEN SPENCE residing at West Mains of Kincaldrum Farm, Forfar, DD8 1TT ("the Landlord")

Decision

The Private Rented Housing Committee, having made such enquiries as were appropriate for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("the RSEO") in relation to the Property concerned and taking account of the subsequent re-inspections of the Property 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 8 June 2011 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 8 June 2011. The RSEO required the Landlord to:-
 - (a) Carry out such works of repair or replacement to the windows at the Property as are necessary to render them properly wind and watertight and capable of being open and shut properly.
 - (b) Carry out such works of repair or replacement as are required to render the front and rear door at the Property properly wind and watertight.
 - (c) Install a hardwired smoke detection system to comply with the appropriate regulations.
 - (d) Carry out such works as are necessary to ensure the free flow of sewage and drainage water within the drainage system without overflow in to the garden of the Property.
3. Subsequent to the issuing of the RSEO a re-inspection of the Property occurred on 21 September 2011. At that re-inspection it was apparent that no works had been carried out. The tenancy had been terminated by that point and accordingly the Committee did not serve a Rent Relief Order on the Property. The Committee did, however, report the matter to the Local Authority and the Police for prosecution.

4. The Property was subsequently re-inspected again on 9 May 2012 again by Mr David Godfrey, who was the Surveyor Member of the original Committee. The Tenant was not present nor represented. The Landlord was present and arranged access to the Property for the Surveyor Member.
5. The Surveyor Member reported to the Committee that the old timber sash and casement windows throughout the Property had been removed and had been replaced with modern PVC double glazed units. A new threshold and weather bar had been fitted to the front door and, despite recent heavy rain, the floor adjacent to the door internally was found to be dry. A new weather bar had also been fitted to the back door and part of the door frame had been replaced. Again, despite heavy recent rain, the floor adjacent to the door internally was found to be dry. The Surveyor Member noted that a hardwired smoke detector had been installed in the Property, compliant with the relevant regulations. The Landlord advised that he had had the drainage system cleared although he had no documentary evidence to support this. There were, however, no signs of flooding or foul surface water in the vicinity of the drainage system.
6. The Committee considered the results of the re-inspection. The Committee were satisfied that the works had been carried out to a satisfactory standard. In the circumstances, the Committee were satisfied that it would now be appropriate for the RSEO to be lifted given 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 Act.

Decision

7. The decision of the Committee was unanimous.

Right of Appeal

8. 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

9. 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.

E Miller

Signed Date.....
Chairperson