



Determination by Private Rented Housing Committee

Statement of Decision under Section 24 (1) of the Housing (Scotland) Act 2006

**Re: The residential dwellinghouse at 28 Allison Street,
Carstairs Junction, Carstairs, Lanark, ML11 8RG
("the property")**

Title No: LAN113746

The parties:-

**Mr John Bowie, resident at the property
("the tenant")**

and

**Ms Charlotte Low, represented by JMP Lettings & Property
Management, 46 Bloomgate, Lanark, South Lanarkshire, ML11 9ET
("the landlord")**

The Committee's Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the landlord had complied with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the property, and taking account of the written evidence made available, the Committee unanimously determined that the landlord had complied with the requirements of the Repairing Standard Enforcement Order dated 14 April 2009 ("the RSEO") and had complied with the duty imposed by Section 14(1)(b).

The Background

- 1. On 8 September 2008 the tenant 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 the tenant'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 Notice of Referral on the landlord and on the tenant in accordance with the terms of Schedule 2, Paragraph 1 of the Act.
4. The Committee inspected the property on 18 November 2008 at 10.15am. The tenant and his wife were both present during the inspection as was Mr Lezar on behalf of the landlord. The tenant and Mr Lezar attended a Hearing after the inspection.
5. The Committee determined that the landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act and proceeded to make the RSEO as required by section 24(1) of the Act.
6. The decision of the Committee was unanimous.

The Re-inspection/Re-convened Hearing

7. On 14 January 2010 the Committee re-inspected the property. Following the re-inspection the Committee found that all the issues detailed in the RSEO (and the subsequent Variation of that Order) had been remedied by the landlord with the exception of the works required to ensure that the roof (including the slates, ridge tiles, gutters and downpipes) was in a reasonable state of repair and proper working order. Consequently the Committee found that the landlord had failed to comply with the RSEO.
8. The Committee proceeded to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 20% of the rent which would, but for the order, be payable.
9. The decision of the Committee was unanimous.
10. The Committee carried out a further inspection of the property on 12 May 2010 and, having done so, found that the works required by the RSEO had been properly completed. Consequently the Committee agreed that the RSEO be discharged and the Rent Relief Order be revoked.

Right of Appeal

11. 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

12. 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... 25/5/2010
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 14 April 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 typewritten on this page is subscribed by Ronald G Handley, Solicitor, chairperson of the Private Rented Housing Committee at Dunbar on the 15 May 2010 before this witness:-

D F Craig > witness R Handley chairperson

Duncan F Craig name in full

Care Commission Officer occupation

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