



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

**PRHP Ref: Prhp/EH37/78/11**

**Re: All and Whole the dwelling house know as and forming Three Fala Hall Cottage, Fala, Pathhead, Midlothian, EH37 5SZ together with any garden ground and outhouses pertaining thereto, which subjects form part and portion of the Oxenfoord Estate in the Parish of Fala and Soutra, all as contained in and more particularly described in Disposition by Trustees of the Oxenfoord Estate in favour of Michael Colin Dalrymple recorded in the Division of the general Register of Sasines for the County of Midlothian on Fifteenth October, nineteen hundred and ninety six (search sheet number 20418)**

**("the property")**

**The Parties:-**

**Mrs Jennifer Harvey resident at the property**

**("the tenant")**

**and**

**Hon M C Dalrymple, C/o Smiths Gore, Haddington House, 28 Sidegate, Haddington, EH41 4BU**

**("the landlord")**

**CERTIFICATE OF COMPLETION**

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 21 July 2011 relative to the property has been completed. Accordingly, the RSEO 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 and the preceeding page are executed by me, Ronald G Handley, Solicitor, chairperson of the Private Rented Housing Committee at Dunbar on the 15 day of October 2011 before this witness Jane Handley, College Lecturer:-

J Handley witness R Handley chairperson

JANE HANDLEY name in full

23 LESLIE WAY address

DUNBAR

EH42 1GP





## The Private Rented Housing Committee Statement of Reasons

**PRHP Ref: Prhp/EH37/78/11**

**Re: The residential dwellinghouse at  
3 Fala Hall Cottages  
Pathhead  
EH37 5SZ  
("the property")**

**The Parties:-**

**Mrs Jennifer Harvey  
resident at the property  
("the tenant")**

**and**

**Hon M C Dalrymple  
C/o Smiths Gore  
Haddington House  
28 Sidegate  
Haddington  
EH41 4BU  
("the landlord")**

**The Committee comprised:**

**Mr Ron Handley – Chairperson  
Mr Donald Marshall – Surveyor  
Ms Irene Kitson – Housing Member**

### **The Committee's Decision**

**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 now complied with the requirements of the Repairing Standard Enforcement Order dated 21 July 2011 ("the RSEO") and had complied with the duty imposed by Section 14(1)(b).**

## **The Background**

1. On 30 March 2011 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. In her application the tenant submitted that the landlord had failed to comply with his duty to ensure that the property met the Repairing Standard (as defined in the Act) in that he had failed to ensure that:-
  - i. the property was wind and water tight and in all other respects reasonably fit for human habitation;
  - ii. the structure and exterior of the property was in a reasonable state of repair and in proper working order;
  - iii. the installations in the property for the supply of water, gas and electricity and for sanitation, space heating and heating water were in a reasonable state of repair and in proper working order.
  - iv. any fixtures, fittings and appliances provided by the landlord under the tenancy were in a reasonable state of repair and in proper working order.
3. In particular it was submitted that:
  - there was excessive rising damp and dry rot and that the rooms were covered in black and white mould – there were permanent condensation problems;
  - the gutters were leaking and water ran down the walls;
  - the doors, window and chimney were leaking;
  - the heater in the bathroom was faulty and inadequate;
  - the bath taps leaked;
  - the back door could not be locked;
  - the front door did not open easily;
  - central heating required to be installed;
  - exposed pipes in the bathroom and the kitchen should be boxed in.
4. The Committee inspected the property on 28 June 2011 at 10.00 am. The tenant did not attend and the landlord was represented by Mr Thomas Stanley. A Hearing took place in the County Hotel, Dalkeith after the inspection. Mr Stanley attended on behalf of the landlord. The tenant did not attend.
5. The Committee found the following facts to be established:-
  - i. On or around 28 November 2006 the tenant and the landlord entered into a Tenancy Agreement which relates to the property. This Agreement has now been terminated.

- ii. On 30 March 2011 the tenant applied to 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.
  - iii. The property is a terraced cottage built pre 1920. The roof of the property is slated and is in a reasonable state of repair and in proper working order.
  - iv. There had been water ingress/dampness throughout the property.
  - v. On the day of the inspection works had been commenced to remedy the dampness problems within the property.
  - vi. The gutters were not in a reasonable state of repair and not in proper working order. The discharge pipe in the gutter at the front of the property was not properly aligned and a section of gutter at the rear of the property required to be repaired or replaced.
  - vii. The windows in the property were not wind and watertight.
  - viii. The lock in the back door was not in proper working order.
  - ix. The bathroom suite and all kitchen fixtures and fittings had been removed from the property.
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 RSEO as required by section 24(1) of the Act.
  8. The RSEO required the landlord to:
    - i. investigate and identify the cause of dampness within the property and complete remedial works to ensure that all water ingress/dampness is eradicated throughout the property;
    - ii. carry out such works as are necessary to ensure that the gutters to the front and rear of the property are in a reasonable state of repair and in proper working order;
    - iii. repair and or replace the windows in the property to ensure that they are wind and watertight;
    - iv. repair or replace the lock in the back door to ensure that it is in proper working order;
    - v. repair or replace the front door to ensure that it opens and closes properly;
    - vi. repair or replace the bathroom heater (or otherwise ensure that the bathroom can be adequately heated).

9. On 15 September 2011 the Surveyor member re-inspected the property and having done so found that the works required in the RSEO had been fully completed. The Committee agreed that the RSEO should be discharged. The decision of the Committee was unanimous.

**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... 15 October 2011  
Chairperson