



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

PRHP REFERENCE- KY8/9/09

Property at 607 Wellesley Road, Methil, Fife KY8 3PD, being the subjects registered in the Land Register for Scotland under Title Number FFE 53596 ("the house")

The Parties:-

Mrs. Amanda Moug, former tenant of 607 Wellesley Road, Methil (whose agent is Lynn Herbert of Lynn Herbert & Co., Solicitors, Leven) ("the Tenant")

Mr. Navid Siddique and Mrs. Farhat Siddique, both residing at 30 Queens Meadow, Coaltown of Balgonie, Fife KY7 6GZ (whose agent is Mr. Stevie Drummond, care of 84 Kier Hardie Street, Methil) ("the former Landlord")

Mr. Peter John McDougall and Ms. Geraldine Mary McDougall ("present owner of the house and as successor to the former Landlord now the Landlord")

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the works, required by the **Repairing Standard Enforcement Order** relative to the house dated 20 May 2009, as subsequently varied, have been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the house is discharged.

A landlord or 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 preceding page are executed by Mrs. Aileen Margaret Devanny, Solicitor, Chairperson of the Private Rented Housing Committee at Glasgow on the Thirteenth day of November, Two Thousand and twelve before the undernoted witness

S James

Operations Manager

Arata Building

450 Argyle Street, Glasgow


A Devanny.



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION
26(1) OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

Property at 607 Wellesley Road, Methil, Fife KY8 3PD (hereafter referred to as "the house")

The Parties:-

Mrs. Amanda Moug, former tenant of 607 Wellesley Road, Methil (whose agent is Lynn Herbert of Lynn Herbert & Co., Solicitors, Leven) ("the Tenant")

Mr. Navid Siddique and Mrs. Farhat Siddique, both residing at 30 Queens Meadow, Coaltown of Balgonie, Fife KY7 6GZ (whose agent is Mr. Stevie Drummond, care of 84 Kier Hardie Street, Methil) ("the former Landlord")

Mr. Peter John McDougall and Ms. Geraldine Mary McDougall ("present owner of the house and as successor to the former Landlord now the Landlord")

PRHP REFERENCE- KY8/9/09

Committee: Mrs. Aileen Devanny (Chairperson); Mr. Ian Mowatt (Surveyor Member); and Mr. John Wolstencroft (Housing Member)

DECISION

The Private Rented Housing Committee ("the Committee"), having made such enquiries for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order as varied (hereinafter referred to as "the RSEO") in relation to the house concerned, and taking account of the findings of the surveyor member at a re-inspection of the house on 31 October 2012, the Committee considered that the present owner had satisfactorily completed the works detailed in the RSEO and decided to issue a certificate of completion of works in terms of Section 60 of the Act.

BACKGROUND

1. Reference is made to the Determination of the Private Rented Housing Committee ("the Committee") dated 13 May 2009 which decided that the former Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act ("the Act") and the Repairing Standard Enforcement Order ("RSEO") made by the Committee which required the Landlord to carry out such work as is necessary for the purposes of ensuring that the house meets the repairing standard and that any damage caused by the carrying out of any work in terms of the RSEO is made good. In particular the Committee required the Landlord to carry out the following works:-
 - (a) to produce a Gas Safety Certificate for the house to Private Rented Housing Panel to confirm that the installation for the supply of gas is in a reasonable state of repair and in proper working order,
 - (b) to carry out such repairs as are necessary to the gutters, roof slates, flashing and roughcasting to ensure that the house is wind and watertight and the structure and exterior of the house are in a reasonable state of repair,
 - (c) to replace the two kitchen windows and the sitting-room window and to carry out such other repairs as are necessary to the remaining windows to ensure that all windows are in a reasonable state of repair and proper working order;
 - (d) to replace the floor covering in the kitchen to ensure that it is capable of being used safely,
 - (e) to carry out repairs to the external door to ensure that it is in a reasonable state of repair, and in proper working order and the house is wind and water tight,
 - (f) to ensure that the communal yard is made tidy so that it is in a reasonable state of repair,
 - (g) to carry out such repairs as are necessary to the internal doors to ensure that they are in a reasonable state of repair and in proper working order,
 - (h) to remove the wardrobe in the bedroom or to repair the wardrobe to ensure that it is in a reasonable state of repair and proper working order, and
 - (i) to carry out such works to the property as are necessary to comply with Section 13(1) of the Housing (Scotland) Act 2006 by the installation of a satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. The provisions of section 13(5) of the said Act must be regarded in relation to the said installation.

(which works are hereafter collectively known as "the said repairs").

Said repairs to be carried out and completed within a period of 56 days from the date of service of the Notice of the RSEO. Service of the Notice of the RSEO was effected on the former Landlord on 22 May 2009.

2. On 27 July 2009 a request was made to the Committee by the former Landlord to extend the timescale for completion of the works detailed in the RSEO for a period of 3 months as he was not in a financial position to carry out the repairs. Before the Committee had made a decision on this request, an additional ground for the request for a variation was received on 28 July 2009 from the former Landlord based on additional works which had been identified at the house following upon the removal of kitchen fittings and to a bath which was broken and leaking. The Tenant's solicitor had indicated previously that the Tenant does not wish to participate further in the application before the Committee and, as a consequence, her representations were not sought.

The Committee considered the request for a variation and were not persuaded to grant a variation based on the former Landlord's financial ability to carry out the works but, mindful of Sections 25(1)(a) of the Act, considered that it would be reasonable to give the former Landlord an extension of the period required to complete the works detailed in the RSEO in view of the additional works which he had identified as required to the house and issued a variation of the RSEO in terms of section 25(1)(a) of the Act. Given the nature of the additional works identified by the former Landlord, the Committee unanimously determined that there should be a variation of the RSEO to allow completion of the works by 1 September 2009.

3. On 27 August 2009 a request was made to the Committee by the former Landlord to extend the timescale for completion of the works detailed in the RSEO for a period of six to eight weeks due to the extent of the repairs required and the cost involved. The Committee considered the request but was not minded to grant a variation since in their view a sufficient time had been given to the former Landlord to carry out the specified works. The Committee did not consider that the funding arrangements for works was a matter which should impact on their decision regarding an extension of the time-limit for completion of works detailed in a RSEO, but observed that the former Landlord had had a period in excess of three months to make such arrangements.

4. On 3 September 2009 the surveyor member of the Committee, carried out an inspection of the house for the purpose of ascertaining if the said repairs detailed in the RSEO had been completed. A report on the inspection findings was submitted to the Committee indicating that none of the items of work detailed in the RSEO had been dealt with or commenced. Accordingly, the Committee in light of the information provided from the inspection, did not consider that satisfactory progress had been made in carrying out the required works and determined that there had been a failure to comply with the RSEO in terms of Section 26(1) of the Act.

5. Following intimation by the present owner and Landlord that all the repairs had been completed, the surveyor member carried out a re-inspection of the house on 31 October

2012 and confirmed that all repairs detailed in the RSEO had been carried out and the house has also undergone general refurbishment. In addition a Gas Safe Certificate on suitable terms was produced to the Panel on 14 October 2012. The Committee considered the works specified in the RSEO have been satisfactorily completed and decided that it is appropriate to issue a Certificate of Completion in terms of Section 60 of the Act. The members of the Committee were unanimous in their decision.

APPEAL PROCEDURE

A Landlord or 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.

EFFECT OF SECTION 63

The decision has effect from the date on which the determination is served on the Landlord. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it 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 made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.


A Devanny

Chairperson,
11 November 2012