



Certificate of Completion of Work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: prhp/PH33/149/11

RE: PROPERTY

21 Torlundy Road, Caol, Fort William PH33 7EB registered in the Land Register for Scotland under Title Number INV19327

THE PARTIES:

Timothy Richard Sims and Wendy Joy Sims, spouses residing together, sometime at Guildford Heath Cottage, Station Road, Havenstreet, Ryde, PO22 4DT, and now at Kinchellie, Roy Bridge , PH 31 4AW, successors in title to Gillian Hunter, residing formerly at 53 Drumfada Terrace, Fort William, PH33 7LA and now at 10 Cardhu Gardens, Kilmarnock, KA3 1QY
("the Landlord")

and

Stephen Peart, residing formerly at the property
("the Tenant and Applicant")

Note: The Tenancy under which the application was made, having been lawfully terminated, and the President having determined to continue with the determination of the application in terms of Minute of Continuation dated 25 November 2011 under Schedule 2 Paragraph 7(2)(b) of the Act, there was no Tenant

The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order relative to the Property dated 25 March 2012 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 are executed as follows:

D. PRESTON

Chairman

C. JAVIES

Witness

30 May 2016.....Date of Signing

CHARLES MICHAEL JAVIES.....Name

NOARIS HILL.....Address

ANXWORTH ROAD

OBAN.....Place of Signing

OBAN

ANGLIS



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE UNDER
SECTION 24 OF THE HOUSING (SCOTLAND) ACT 2006 AND REGULATION 26(1) OF
THE PRIVATE RENTED HOUSING (APPLICATIONS AND DETERMINATIONS)
(SCOTLAND) REGULATIONS 2007**

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DECISION

**The Committee, having made such enquiries as are fit for the purposes of determining
whether the Landlord has complied with the terms of the Repairing Standard
Enforcement Order (hereinafter referred to as "RSEO") dated 25 March registered in
the Land Register for Scotland against title number INV 19327 on 20 April, both 2012
in terms of section 26 (1) of the Housing (Scotland) Act 2006 (hereinafter referred to
as "the Act") decided that the works specified in the RSEO have been completed to
the satisfaction of the Committee and grants a Certificate of Completion to the effect
of discharging the RSEO.**

REASONS

1. Reference is made to:

- a. Determination of the Committee dated 25 March 2012 which decided that the
Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the
Act;**
- b. RSEO made by the Committee on that date which required the Landlord to carry
out the works as specified therein;**

c. Notice of Failure with Statement of Reasons both dated 7 October 2012;

2. In terms of the Land Certificate relative to title number INV19327, Timothy Richard Sims and Mrs Wendy Joy Sims became heritable proprietors of the property on 5 August 2013. At that time the title was burdened with the RSEO and the Notice of Failure had been given to Highland Council.
3. On 23 October 2015 a letter was sent from PRHP to the Landlords enquiring as to their intentions with regard to the RSEO and Notice of Failure. The Landlords responded to that letter by letter dated 21 December 2015 in which they advised that the property had been renovated and re-let. The landlords advised that they were not aware that they needed to contact anyone with regard to the property.
4. The Committee was concerned that the Landlords had not been advised of the existence of the RSEO and its effect at the time of their purchase. The Landlords should have been advised by their solicitor that they would be committing a criminal offence if they re-let the property before the works specified in the RSEO had been completed to the satisfaction of the Committee and a Certificate of Completion had been issued to the effect of discharging the RSEO.
5. It was also a matter of concern that Highland Council did not advise them of the existence of the Notice of Failure when they sought to enter the Register of Landlords.
6. On 8 February 2016 the surveyor member of the Committee carried out a re-inspection of the property and issued a report thereon dated 9 February 2016 which was sent to the Landlords on 1 March 2016.
7. On 11 March 2016 the Landlords responded to the re-inspection report and detailed the work which they advised had been carried out. They provided the Committee with a report from West Highland Timber Preservation dated 8 March 2016. That report recommended:
 - a. That the windows be fitted with trickle vents, if possible;
 - b. That the tumble dryer should be replaced or repaired;
 - c. An option of replacing the existing bathroom and kitchen extractor fans with Merlin Decentralised Mechanical Extract Ventilator (DMEV) extractor fans.
8. On 12 April 2016, the surveyor member carried out a further re-inspection and issued a further report dated 12 April 2016, a copy of which is attached to this Statement of Reasons and is referred to for its terms. The Committee noted that a section of wall had been replaced at the back of the building and the rotten back door frame and bathroom floor had been repaired. The bath had been replaced and a new bath panel and "wet walling" had been fitted in the bathroom.
9. In respect of the recommendations contained in the West Highland Timber Preservation report:
 - a. The Committee was satisfied that because of the type of frame it was not possible to fit such vents;
 - b. The landlords advised that the current Tenants did not use the tumble dryer and accordingly the Committee recommends that it be removed from the property;
 - c. By email dated 26 April 2016, the Landlords advised that DMEV extractors had been fitted to the bathroom and kitchen.
10. During the course of the re-inspections, the surveyor member had sight of a satisfactory electrical report dated January 2016. He also noted that there were mains powered interlinked smoke and heat detectors in place. However he noted that there was no detector in the living room as is now required in terms of the current revised statutory guidance on the requirements for smoke alarms details of which can be found on the PRHP website at www.prhpscotland.gov.uk. The Committee noted that this issue did not

form part of the application under consideration. However it would recommend that action should be taken by the Landlords to ensure that the property complies with that guidance.

11. Having carefully considered all of the information before it, the Committee was satisfied that the Landlords had complied with the terms of the RSEO and determined to issue the Certificate of Completion to be registered in the Land Register for Scotland to the effect of discharging the RSEO.

30-May-16

D. PRESTON

X

CHAIRMAN

Signed by: DAVID MICHAEL PRESTON