



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/IV2/24/09

Re : Property at 27D Ardconnel Street, Inverness, IV2 3HA ("the Property")

Title No: ALL and WHOLE the subjects known as and forming 27D Ardconnel Street, Inverness being part and portion of the subjects disposed by Alexander Patrick Slaney in favour of John West and Annette Heather West dated 31 August and recorded in the Division of the General Register of Sasines for the County of Inverness on 14 September, both months in the year 1989

The Parties:-

JOHN WEST and ANNETTE HEATHER WEST, Spouses residing together at Hillmond, Stratherrick Road, Inverness ("the Landlords")

DONALD BAIN, residing at 27D Ardconnel Street, Inverness ("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 served on 2 October 2009 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 Chairperson of the Private Rented Housing Committee at Dundee on 15 June 2010.

before this witness:-

L Johnston

witness

E Miller

Chairman

LINDSAY JOHNSTON
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ
Legal Secretary



**Statement of decision of the Private Rented Housing
Committee under Section 26(1) of the Housing
(Scotland) Act 2006**

prhp Ref: PRHP/IV2/24/09

Re : Property at 27D Ardconnel Street, Inverness, IV2 3HA ("the Property")

The Parties:-

DONALD BAIN, residing at 27D Ardconnel Street, Inverness ("the Tenant")

**JOHN WEST and ANNETTE HEATHER WEST, Spouses residing together at Hillmond,
Stratherrick Road, Inverness ("the Landlords")**

Background

1. On 2 October 2009 the Private Rented Housing Committee ("the Committee") issued a Determination which decided that the Landlords had failed to comply with the duty imposed by Section 14(1) of the Housing (Scotland) Act 2006. On the same date the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the Property. The RSEO specified a wide variety of works that were required to be carried out to the Property by the Landlords to meet the repairing standard. Subsequent to this Determination a further inspection of the property and Hearing took place on 19 February 2010. The Decision of the Committee was subsequently issued on 2 March 2010 and found that whilst certain works had been carried out, others remained outstanding. The works that remained outstanding were:-
 - (a) To re-site the television cable entering the lounge/bedroom window of the Property to ensure that the window could open and close properly and to repair or replace the handle/catch on the said window.
 - (b) To repair or replace the kitchen window to ensure that it was in proper working order and properly wind and watertight.
 - (c) To obtain and fit an appropriate floor covering for the kitchen floor in the Property.
 - (d) To obtain and fit an appropriate replacement floor covering in the lounge/bedroom of the Property.
 - (e) To fill and repair all holes in the walls of the lounge/bedroom and to decorate the walls and ceilings to an appropriate standard.
 - (f) To ensure that all loose and missing slates on the roof of the larger property of which the Property forms part are repaired, re-sited or replaced as appropriate.
 - (g) To repair or replace the guttering at the rear of the Property to ensure that the current sag in the guttering is fixed.

- (h) To carry out such works as are necessary to ensure that there is no pooling of water outside the rear entrance door.
 - (i) Redecoration around the toilet bowl/cistern in the upper floor bathroom.
 - (j) To connect up those low level two tubular heaters in the communal bathroom facilities that had not yet been properly wired and to install additional heating sufficient to render the temperature of the communal bathroom facilities capable of being increased to a level appropriate for human habitation and use.
2. On 21 May 2010, the Committee, comprising Mr E K Miller (Chairman and Legal Member), Mr Colin Hepburn (Surveyor Member) and Mrs Linda Robertson (Housing Member) accompanied by the Clerk, Mr Robert Shea carried out a further inspection of the property for the purpose of ascertaining whether the repairs listed above had now been completed. The Landlords and Tenant were present during the course of the inspection by the Committee. Following on from the inspection a Hearing was held at the Spectrum Community Centre, Inverness. The Landlords and Tenant were both present at the Hearing and represented themselves.
3. The Tenant confirmed that he was much happier in the Property due to the redecoration and improvement works that the Landlords had carried out since the last visit of the Committee. The Landlord was of the view that he had carried out the works in line with the requirements of the Committee although he would be happy to discuss any matters of concern and take further guidance if required.

Determination and Reasons

4. The Committee considered the evidence they obtained at the inspection and the representations made by the party at the Hearing. The Committee decided that the Landlords had now complied with the terms of the RSEO. In relation to the television cable, the Committee noted that this had been removed and a new internal cabling system in the whole of the larger building of which the Property formed part, had been installed. The window now opened and closed properly and the handle/catch had been repaired. The Committee inspected the kitchen window and noted that it was in proper working order and was properly wind and watertight. A new vinyl floor had been fitted to the kitchen and a new carpet had been fitted in the lounge/bedroom. All the holes in the walls of the lounge/bedroom had been filled in/repared and had since been redecorated to an appropriate standard.

In relation to the larger property the Committee inspected this and noted that the loose and missing slates on the roof had been fixed. New guttering had been installed along the rear of the property and this was now satisfactory. At the rear door of the larger property a new gutter had been installed which would prevent water pooling and this had been connected into a nearby drain.

The area around the toilet bowl/cistern had been redecorated satisfactorily.

In relation to the heating system within the communal bathroom facilities, the Committee noted that the Landlords had installed four electric fan heaters but had removed the low level tubular heating. The Committee tested the electric fan heaters that had been installed and found that they did produce heat quickly. The Committee noted, however, that in terms of the Decision of 2 March 2010, the intention had been that the low level tubular heating would be left as this would ensure that this removed the possibility of the system freezing. The Decision of 2 March 2010 had envisaged that additional heating rather than substitute heating would be installed. After discussion with the Landlords and Tenant at the Hearing it was apparent that this was a genuine misunderstanding on the part of the Landlords. The Landlords confirmed that they were perfectly happy to reinstall the low level tubular heating forthwith as the wiring was still in place for this. The Tenant

confirmed that he was happy that the Landlords would do this and, in the circumstances, the Committee were prepared to accept the Landlords' undertaking in this regard. On that basis the Committee were satisfied that a Completion Certificate should be issued in respect of the RSEO and that a Notice of a Decision to Revoke the Rent Relief Order should also be issued.

Decision

5. The Committee having made such enquiries as was fit for the purpose of determining whether the Landlords had complied with the Repairing Standard Enforcement Order in relation to the Property concerned, and taking account of the evidence led by both the Landlord and the Tenant at the Hearing determined that the Landlords had now complied with the RSEO in terms of the Housing (Scotland) Act 2006. Accordingly a Certificate of Completion should now be issued.
6. The Committee, in light of the decision to issue a Certificate of Completion in respect of the RSEO, also resolved to revoke the Rent Relief Order that had been placed on the property.

The decision of the Committee was unanimous.

Right of Appeal

7. 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

8. 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 15/6/2010
Chairperson



Notice of a decision to Revoke

A Rent Relief Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/IV2/24/09

Re : Property at 27D Ardconnel Street, Inverness, IV2 3HA ("the Property")

The Parties:-

JOHN WEST and ANNETTE HEATHER WEST, Spouses residing together at Hillmond, Stratherrick Road, Inverness ("the Landlords")

DONALD BAIN, residing at 27D Ardconnel Street, Inverness ("the Tenant")

NOTICE TO JOHN WEST and ANNETTE HEATHER WEST ("the Landlords")

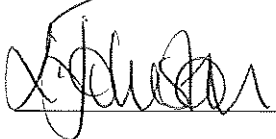
The Private Rented Housing Committee having determined on 15 June 2010 that the work required by the **Repairing Standard Enforcement Order** relative to the Property had been completed subsequently determined that the Rent Relief Order served on 2 March 2010 was no longer necessary. The said Rent Relief Order is hereby revoked with effect from the date of service of this Notice.

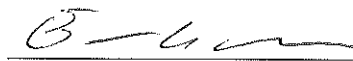
A landlord or a tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Where such an appeal is made, the effect of the revocation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the revocation will be treated as having effect from the day on which the appeal is abandoned or so determined.

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 Chairperson of the Private Rented Housing Committee at Dundee on 15 June 2010.

before this witness:-


_____ witness


_____ Chairman

LINDSAY JOHNSTON
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ
Legal Secretary