



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/13/0143

Re: Property at 2G Baldovan Terrace, Dundee ("the Property")

Title No: ANG28173

The Parties:-

JOSEPH FRANCIS McGRATH and GRACE TERESA McGRATH residing at 62 Cabin Hill Gardens, Knock, Belfast ("the Landlords")

AGNIESZKA BODAK formerly residing at 2G Baldovan Terrace, Dundee, DD4 6ND ("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 dated 12 May 2014 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, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 17 November 2016 before this witness:-

E Miller

_____ witness

Chairman

Lindsay Johnston
Secretary
Thorntons Law LLP
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ



Statement of decision of the Private Rented Housing Committee under the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/13/0143

Re: Property at 2G Baldovan Terrace, Dundee, DD4 6ND ("the Property")

The Parties:-

AGNIESZKA BODAK formerly residing at 2G Baldovan Terrace, Dundee, DD4 6ND ("the Tenant")

JOSEPH FRANCIS McGRATH and GRACE TERESA McGRATH residing at 62 Cabin Hill Gardens, Knock, Belfast ("the Landlords")

Decision

The Private Rented Housing Committee, having made such enquiries as was appropriate for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property concerned and taking account of the subsequent inspections by the Committee, determined that the Landlord had now complied with the terms of the RSEO and resolved to issue a Certificate of Completion in respect of the works required by the RSEO.

Background

1. By way of a Decision dated 12 May 2014, the Private Rented Housing Committee had issued a Determination that the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Committee had placed an RSEO on the Property also dated 12 May 2014. The RSEO required the Landlords:-
 - (a) To obtain a structural engineer's report over the Property to ascertain whether any movement within the Property is historic or ongoing. The Landlords require to carry out any works recommended by the structural engineer's report to ensure that the structural integrity of the building is sound. The Landlords are required to exhibit the structural engineer's report to the Committee as soon as obtained.
 - (b) To identify and repair all sources of water ingress to the Property. Once all areas of water ingress have been identified and repaired, the Landlords are required to carry out such works of repair and redecoration internally to ensure that the Property meets the repairing standard.
 - (c) To carry out such works of repair or replacement to the cupboard door/frame within the living room to ensure that it can be opened and closed properly.
 - (d) To properly repair and redecorate the bathroom ceiling.
 - (e) To install a means of mechanical ventilation in the bathroom.
 - (f) To properly replace the silicone seals around the bath/shower and sink.

- (g) Once the source of water ingress to the communal landing has been identified, to carry out such works of repair or redecoration as are necessary to bring the upper area of the stairwell landing back to the repairing standard.
- (h) To replace any broken or smashed glass in the stairwell landing window and to repair the hole in the stairwell landing roof.
- (i) To investigate whether the stairwell cupboard door can be opened and closed properly and carry out any works to the door/frame required to ensure this is the case.

The RSEO gave the Landlords a period of 3 months to carry out the works.

3. A reinspection of the Property was carried out on 19 January 2015 by Mr David Godfrey the Surveyor Member of the original Committee. At that stage, other than some minor works, none of the items contained in the RSEO had been dealt with. The Landlords had indicated in prior correspondence that they had carried out appropriate works. In light of the misrepresentation of the position by the Landlords and the lack of a reasonable excuse the Committee subsequently imposed a Rent Relief Order at 90% on the Property.
4. A further reinspection of the Property was carried out by the full Committee, Mr E K Miller and Mr D Godfrey on 12 April 2016. It was apparent at that stage that the Landlords had carried out the majority of the items required by the RSEO. At the date of the inspection, roof works were being carried out to address water penetration into the Property.

The Committee noted at that stage that the cupboard door/frame within the living room was now in proper working order.

The bathroom ceiling had been repaired and redecorated.

A mechanical fan for ventilation purposes had been installed in the bathroom although it was not connected up. The silicon seals around the bath/shower and sink were now adequate.

The upper area of the stairwell landing had been repaired sufficient to bring it back to the repairing standard.

The broken and smashed glass on the stairwell landing window had not been replaced although it had been covered over with plexi-glass.

The hole in the stairwell landing roof had been repaired.

The stairwell cupboard door could now be opened and closed correctly.

No structural engineers report had been provided by the Landlords.

At that stage, the Committee had determined that the RSEO should remain in place. Whilst the Property was in a significantly improved state, there were still items outstanding namely the fan required to be connected up and be in proper working order. The stairwell glass needed to be replaced and sufficient evidence required to be produced to the Committee to allow them to be satisfied there was no structural movement within the block.

5. On 20 October 2016 a further reinspection of the Property was carried out by Mr D Godfrey, the Surveyor Member. The Tenant no longer resided in the Property. The Landlords were neither present nor represented. However the Property was in the course of being marketed for sale and keys were provided by the selling agents.

The Surveyor Member noted that the broken glass in the stairwell landing window had been repaired as required.

The mechanical ventilation in the bathroom was now operating satisfactorily.

A Home Report was provided to the Committee prepared by Graham & Sibbald, Chartered Surveyors dated 17 May 2016. In relation to structural movement the report stated "this movement is considered to be longstanding and non-progressive".

6. The Committee (comprising Mr E K Miller, Chairman and Legal Member and Mr D Godfrey, Surveyor Member) considered the overall position. It was apparent that the Landlords had, finally, carried out all the appropriate works. The Property was significantly improved and now met the repairing standard. Accordingly the Committee was satisfied that the RSEO should be lifted and a Certificate of Completion discharging the RSEO under Section 60 of the Act would be granted. The Rent Relief Order would also be revoked.

Decision

7. The Committee's decision was to lift the RSEO and grant a Certificate of Completion discharging the RSEO. The Committee also resolved to revoke the RRO.
8. The decision of the Committee was unanimous.

Right of Appeal

9. **A Landlords 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

10. 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
Chairperson

Date..... 17/01/16



PRHP 3rd Re-inspection report

Property: 2G BALDOVAN TERRACE, DUNDEE, DD4 6ND



Ref no: PRHP/RP/13/0143

Surveyor: David Godfrey

Inspection: The property was inspected at 9.00 am Thursday 20th October 2016.

Access: The original Tenant Ms Agnieszka Bodak no longer resides in the property.

The Landlord Mr Joseph Francis McGrath was neither present nor represented. Keys were however provided to allow access to the property.

Repairing Standard Enforcement Order:

The Private Rented Housing Committee now requires the Landlords to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Private Rented Housing Committee requires the Landlords:-

- (a) *To obtain a structural engineer's report over the Property to ascertain whether any movement within the Property is historic or ongoing. The Landlords require to carry out any works recommended by the structural engineer's report to ensure that the*

1. The mechanical ventilation in the bathroom is now operating satisfactorily.



2. The broken glass in the stairwell landing window has been repaired.



5. A Home Report prepared by Graham & Sibbald Chartered Surveyors dated 17th May 2016 has been provided by the landlord. In relation to structural movement, the report states "this movement is considered to be long standing and non progressive"

David Godfrey MRICS

20th October 2016