



Certificate of Completion of Work

Issued by the Private Rented Housing Committee

Under Section 60 of the Housing (Scotland) Act 2006

Reference Number: PRHP/RP/14/0253

Re: Property at 4 Meadow Court, Dumbarton, G82 2BZ, all as more particularly described in and registered in Land Certificate DMB18289 (hereinafter referred to as "the property").

The Parties:-

Mr Thomas Millar ("the Tenant")

Mr Stewart Carr and Ms Sheena Carr and the Carr Family Trust, all residing at Dunrag House, Church Road, Gartocharn, G83 8NF ("the Landlords")

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 14 April 2015 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been 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 in this page are executed by Patricia Anne Pryce, solicitor, Europa House, 450 Argyle Street, Glasgow, chairperson of the Private Rented Housing Committee at Glasgow on 7 October 2015 before this witness:-

Chairp **P. Pryce**

Witness **N. Bryce**

Name NICHOLAS BRYCE

Address 55 BLYTHSWOOD ST, GLASGOW

Occupation ACCOUNTANT



**Statement of Decision of the Private Rented Housing Committee
Under Section 60 (5) of the Housing (Scotland) Act 2006**

Reference Number: PRHP/RP/14/0253

Re: Property at 4 Meadow Court, Dumbarton, G82 2BZ, all as more particularly described in and registered in Land Certificate DMB18289 (hereinafter referred to as "the property").

The Parties:-

Mr Thomas Millar ("the Tenant")

Mr Stewart Carr and Ms Sheena Carr and the Carr Family Trust, all residing at Dunrag House, Church Road, Gartocharn, G83 8NF ("the Landlords")

Decision

The Committee, having made such enquiries as they saw fit for the purposes of determining whether the Landlords had complied with the Repairing Standard Enforcement Order dated 14 April 2015 in respect of the property, and taking account of the subsequent inspection of the property together with subsequent written information provided by the Landlords, determined that the Landlords have complied with the terms of the said Repairing Standard Enforcement Order and so the Committee resolved to issue a Certificate of Completion in respect of the works required by the said Repairing Standard Enforcement Order.

Background

1. On 14 April 2015 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)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date the Committee issued a Repairing Standard Enforcement Order ("RSEO") in respect of the property.
2. The RSEO made by the Committee required the Landlords to carry out such works as are necessary to ensure that:-
 - (a) The bath tap fittings are fixed so that they are in a reasonable state of repair and in proper working order; and

- (b) The bathroom window is repaired or replaced to ensure that it is in a reasonable state of repair and in proper working order; and
- (c) The black mould is removed from the bathroom ceiling and to ensure that the effected finishes are made good; and
- (d) The fire safety precautions are upgraded within the property in accordance with the revised Domestic Technical Handbook (September 2014) and that by installing in the kitchen a heat alarm and a smoke alarm in the living room. All alarms at the property, including that in the hallway, to be interlinked.

3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within 6 weeks from the date of service of the notice. Notice of the RSEO was effected by service on the Landlords on 28 April 2015.
4. On 26 June 2015 the surveyor member of the Committee carried out a further inspection of the property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. The re-inspection appointment was attended by Callum Carr, on behalf of the landlord, the Carr Family Trust. The new tenant, Monica Sayers, was also present while the inspection was carried out.
5. A report dated 1 July 2015 of the surveyor's findings at the re-inspection was submitted to the Committee indicating that the bath taps have been changed and are in working order, the bathroom window has been repaired and now opens and closes satisfactorily and the black mould is no longer evident on the bathroom ceiling. Furthermore, the ceiling has been repainted and an extractor fan has been installed. However, although a new smoke alarm has been installed in the living room, a heat sensor has been installed in the kitchen and it appears that the smoke alarm in the hallway has been repaired, the system is not interlinked. The Landlords' representative was requested to provide a letter from the installer that the system is interlinked but none has been submitted to the offices of the PRHP.
6. The Landlords were sent a copy of the re-inspection report on 27 July 2015 and were given the opportunity to provide comments thereon by 10 August 2015. No comments were received by the Landlords by that date.
7. Accordingly, the Committee resolved that the Landlords had failed to comply in full with the RSEO and a failure to comply decision was issued by the Committee dated 31 August 2015 wherein the Committee resolved that the Landlords should be reported to the Local Authority and recommended that they also be reported to Police Scotland.
8. However, the Landlords provided to the Committee an email dated 21 September 2015 from their electrical contractor wherein the said contractor, Messrs Donald Macleod and Son Electrical, confirmed that they had checked and could confirm that the smoke alarms and the heat detector were hardwired and interlinked and that both sounded when tested. The said contractor provided photographic proof of his CSCS certification to the Committee.

9. Accordingly, the Committee resolved that the RSEO had been complied with in full and that a Certificate of Completion under Section 60 (5) of the Act would be issued.

Decision

The decision of the Committee was to grant a Certificate of Completion under Section 60(5) of the Act. This decision was unanimous.

Right of Appeal

In terms of Section 63 of the Act, 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 of the Act

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.

Patr
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P. Pryce