



**Decisions of Private Rented Housing Committee
under Sections 25(2) and 60 (5) of the Housing (Scotland) Act 2006**

Statement of Reasons for Decisions of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Sections 25(1) and 60(5) of the Housing (Scotland) Act 2006

Case Reference Number: PRHP/RP/15/0120

Re : 229 Colliston Avenue, Glenrothes KY7 4PW ("the Property")

Title : FFE104158

The Parties:-

Katherine Horsburgh, 328 Cluny Road, Glenrothes KY7 4QY ("the Former Tenant") care of her agent Brenda Bain, FrontlineFife, 34 Commercial Road, Leven, Fife KY8 4LD

Elaine Catherine Hossack, 54 Coronation Road, Aberdeen AB14 0RN ("the Landlord") care of her agents To Lettings, 16 North Street, Glenrothes KY7 5NA

The Committee comprised:-

Mr David Bartos - Chairperson
Mr David Godfrey - Surveyor member
Mrs Christine Anderson - Housing member

Decisions

The Committee vary the Repairing Standard Enforcement Order relating to the Property dated 30 June 2015 and issued on or about 6 July 2015 by omitting parts (9) and (10) of the Order.

The Committee certify that the work required by the said Repairing Standard Enforcement Order as varied above, has been completed.

Background:-

1. On 4 September 2015 the Committee's surveyor member carried out a re-inspection of the works required by the Repairing Standard Enforcement Order ("RSEO") issued on or about 6 July 2015 in respect of the Property. The Landlord was present.

2. The report prepared by the surveyor member indicated that the RSEO had been materially complied with. Only the repair work to the garage in the garden of the Property had not been carried out. Instead the garage had been removed. In all other respects the RSEO had been complied with.
3. The Committee has also been supplied with evidence from the Landlord as to repairs having been carried out. The Landlord has sought revocation of the RSEO.
4. The evidence before the Committee consisted of:-
 - The PRHP Re-inspection report for the Property
 - Report from Wise Property Care Ltd dated 18 August 2015
 - E-mail from the Landlord to PRHP dated 21 August 2015
 - E-mails from the Landlord to PRHP dated 25 and 26 August 2015
 - E-mail from the Landlord to PRHP dated 25 August 2015 with completed form
 - Photographs attached to two e-mails from the Landlord
 - Electrical Condition Installation Report from R.B. Grant dated 7 August 2015
 - Invoice from R.B. Grant to Landlord dated 10 August 2015
 - Invoice from the Window and Door Repair Shop dated 24 July 2015 addressed to Mr Graeme Hossack
 - Copy Screwfix receipt dated 22 August 2015

Findings of Fact

5. Having considered all the evidence, the Committee found the following facts to be established:-
 - (a) The RSEO dated 30 June 2015 was served on the Landlord on 6 July 2015. As at 4 September 2015 the works sought in parts (1) to (8) and (11) had been carried out as stated in the Re-inspection Report.
 - (b) The low metal-walled garage present in the garden on 22 June 2015 has been removed. That garage did not have vehicular access.

Reasons for Decision

6. The Committee took the view that the works sought had in substance been carried out. Satisfactory progress had been made. Only the garage in the garden had been removed rather than repaired.
7. Satisfactory progress having been made, the Committee was obliged to vary the RSEO to either extend the time by which a repaired garage required to be installed or to make such other variation as it considered reasonable. The substantial requirements of the RSEO had been completed. The garage in the garden which was required to be repaired had neither vehicular access nor a design for the parking of four-wheeled

vehicles. The lease had come to an end so there was no tenant who would be prejudiced by the absence of the garage. A new tenant would be unaware that the garage had been in place. He or she would not be prejudiced by its absence. In the light of these matters the Committee took the view that it was reasonable to dispense with the requirements to repair the garage and varied the RSEO to omit those requirements.

- 8. The rest of the work in the RSEO having been completed, the Committee decided to issue a certificate of completion. Given the variation and certificate of completion there was no need to revoke the RSEO.

Decision

- 9. The decisions of the Committee as set out above were unanimous.

Rights of Appeal

- 10. A landlord or tenant aggrieved by either decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
- 11. Unless the lease or tenancy between the parties has been brought to an end, the appropriate respondent in such appeal proceedings is the other party to the proceedings and not the Private Rented Housing Panel whose Committee which made the decision.

Effects of Section 63 of the 2006 Act

- 12. Where such an appeal is made, the effect of these decisions and of any Order or Certificate made in consequence of them is suspended until the appeal is abandoned or finally determined.
- 13. Where the appeal is abandoned or finally determined by confirming a decision, the decision and any Order or Certificate made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

Signed **D. Bartos**Date: 17 September 2015.....

David Bartos, Chairperson

Signature of Witness **L Galloway** Date..... *17 September 2015*.....

Name of witness: *LUCY MAY GALLOWAY*

Address: *7 WHITEDALES
EDINBURGH
EH10 7TQ*



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/15/0120

Re : 229 Colliston Avenue, Glenrothes KY7 4PW ("the Property")

Title : FFE104158

The Parties:-

Katherine Horsburgh, 328 Cluny Road, Glenrothes KY7 4QY ("the Former Tenant") care of her agent Brenda Bain, FrontlineFife, 34 Commercial Road, Leven, Fife KY8 4LD

Elaine Catherine Hossack, 54 Coronation Road, Aberdeen AB14 0RN ("the Landlord") care of her agents To Lettings, 16 North Street, Glenrothes KY7 5NA

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 30 June 2015 and issued on 6 July 2015 and varied by Notice of Variation bearing the same date as this certificate 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 this document type-written on this and the preceding page are executed by David Bartos, Advocate, Parliament House, Parliament Square,

Edinburgh EH1 1RF, Chairperson of the Private Rented Housing Committee at
Edinburgh on 17 September 2015 before this witness:-

L. Galloway ___ witness **D. Bartos** ___ chairman

LUCY MAY GALLOWAY name in full

7 WHITEPALES Address

EDINBURGH

EH10 7JQ

SOLICITOR Occupation