



**Certificate of Completion of Work  
Issued by the Private Rented Housing Committee  
Under section 60 of the Housing (Scotland) Act 2006**

**PRHP/RP/15/0176**

**Search No: 2015-02638489**

**Re:**

**The east most first floor flat being the subjects known as 8B Victoria Terrace, Haddington, East Lothian, EH41 3DN more particularly described in a disposition by Euan Malcolm McLeod Smith, formerly of 144 Rullion Road, Penicuik, Midlothian to Robert Ormiston Bathgate dated 25 September 1996.**

**("the Property")**

**The Parties:-**

**Mr Smolarczyk and Ms Rudnicka  
formerly resident in the Property  
("the Tenants")**

**and**

**Mr Robert Bathgate  
C/o Chalmers & Co  
48 High Street  
Haddington  
East Lothian  
EH41 3EF  
("the Landlord")**

**The PRHP Committee comprised:**

**Mr Ron Handley – Chairperson  
Mr Mike Links – Surveyor**

**CERTIFICATE OF COMPLETION**

**The Private Rented Housing Committee hereby certifies that the work required by the Repairing Standard Enforcement Order ("the RSEO") dated 14 September 2015 relative to the Property has been completed. Accordingly the RSEO has been discharged.**

**A party 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 on these pages are subscribed by Ronald G Handley, Solicitor, chairperson of the Private Rented Housing Committee at Dunbar on 12 November 2015 before this witness:-

R. HANDLEY \_\_\_\_\_ Witness R. HANDLEY \_\_\_\_\_ Chairperson

RYAN HANDLEY \_\_\_\_\_ Name in full

STUDENT \_\_\_\_\_ Occupation

23 LESLIE WAY \_\_\_\_\_ Address

DUNBAR \_\_\_\_\_

EH42 1GP \_\_\_\_\_



## **Statement of Reasons of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006**

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EH41 3EF  
("the Landlord")**

**The PRHP Committee comprised:**

**Mr Ron Handley – Chairperson  
Mr Mike Links – Surveyor**

**The Committee's Decision**

**The Committee, having made such enquiries as it saw fit unanimously determined that the Landlord had complied with the requirements of the Repairing Standard Enforcement Order dated 14 September 2015 ("the RSEO") and the Committee now discharges the RSEO.**

## **The Background**

1. On 5 June 2015 the Tenants applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlord had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act"). The President of the PRHP intimated that the application should be referred to a Private Rented Housing Committee ("the Committee") in accordance with Section 22(1) of the Act.
2. The Committee were subsequently advised that the Tenants had vacated the Property on 30 June 2015. Accordingly, under paragraph 7(1) of Schedule 2 of the Housing (Scotland) Act 2006 ("the Act") the Tenants was treated as having withdrawn their application under section 22(1) of the Act. The Committee then considered the application and whether it should be determined or be abandoned all in terms of paragraph 7(3) of Schedule 2 of the Act.
3. Within their application to the PRHP the Tenants alleged that there were issues within the Property which, if substantiated were likely to raise potential health issues for occupants. The Committee concluded that the application should be determined on health grounds due to the nature of the alleged defects and the potential effect for any future tenants or occupiers if the allegations were substantiated. Accordingly the Committee decided to determine the application.

## **The Application**

4. In their application the Tenants submitted that the Property was not insulated, all windows were single glazed and were not draught proofed or secure. It was suggested that the shower was leaking water into the flat below the Property and, although the shower had been removed, it had not been replaced. The floorboards were not properly secured and nails were sticking out causing health and safety issues. It was submitted that the washing machine had not been repaired properly and it was not in proper working order. Finally one of the heaters in the living room had fallen off the wall and another was unstable.

## **The Inspection**

5. The Committee inspected the Property on 10 September 2015 at 10:00 hours. The Landlord was not present but was represented by Ms T Moores and Ms K Kurys.

## **The Hearing**

6. A Hearing was arranged for 10:45 hours in the Maitlandfield House Hotel, Haddington. The Landlord was represented by Ms T Moores and Ms K Kurys.

## **The Findings**

7. The Property is a first floor, one bedroomed flat located in a block of flats at 8 Victoria Terrace, Haddington, EH41 3DN.
8. On or around 14 November 2014 the Landlord and the Tenants entered a Tenancy Agreement which related to the Property.
9. On Thursday June 2015 the Tenants vacated the Property.
10. The Property does not have loft insulation.
11. The windows within the Property are single glazed with wooden frames. All windows are wind and watertight, are in a reasonable state of repair and are in proper working order.
12. The shower in the Property is in proper working order and the surrounding area is water tight.
13. There are exposed nails in the floorboards of the bedroom.
14. The washing machine is in reasonable state of repair and in proper working order.
15. One of the central heating radiators in the living room has been replaced but the other is not been properly secured to the wall. The radiator in the bedroom is not properly secured to the wall.
16. The Committee determined that the Landlord had failed to comply with the duty imposed by section 14(1) (b) of the Act.

## **The RSEO**

17. The Committee proceeded to make a Repairing Standard Enforcement Order ("the RSEO") as required by section 24(1) of the Act.
18. The RSEO required the Landlord to:-
  - (a) Carry out such works as necessary to ensure that the radiator in the living room and the radiator in the bedroom are properly secured to the wall.
  - (b) Carry out such works as are necessary to ensure that there are no exposed nails in the floorboards in the bedroom.

## **The Re-inspection**

19. The Surveyor member of the Committee re-inspected the Property on 6 November 2015 at 10:55 hours. Ms Gail Walshe (the Landlord's representative) was also in attendance.

20. During the Re-inspection the Surveyor member noted that the radiator in the living room and the radiator in the bedroom were properly secured to the wall. It was also noted that there were no exposed nails in the floorboards in the bedroom.

**The Decision**

21. The Committee determined that the necessary works had been executed and that the Repairing Standard had been met. The Committee agreed to discharge the RSEO.
22. The decision of the Committee was unanimous.

**Right of Appeal**

23. A party aggrieved by the decision of a PRHP Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

**Effect of section 63**

24. 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. 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.

R. HANDLEY

Signed .  
Chairperson

..... Date 12 November 2015