

The Committee having carried out a further inspection of the House determined that the work required by the Repairing Standard Enforcement Order served on 4 October 2014 ("the RSEO") had not been completed and resolved to issue a Rent Relief Order.

The decision of the Committee was unanimous.

**DECISION**

John McHugh, Chairperson  
Christine Anderson, Housing Member  
Donald Marshall, Surveyor Member

The Committee comprised the following members:

**PRHP REFERENCE PRHP/RP/14/0133**

Mark Paterson Mandagie, Davaar Avenue, Newton Mearns (hereinafter referred to as "the Landlord")

Laura Gray, 38 Lanark Avenue, Deans, Livingston EH54 8QL (hereinafter referred to as "the Tenant")

Property at 38 Lanark Avenue, Deans, Livingston EH54 8QL (hereinafter referred to as "the House")

In connection with

**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE  
UNDER SECTION 26  
OF THE HOUSING (SCOTLAND) ACT 2006**

**DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE**



## Background

The RSE0 required the Landlord to complete the following work within 42 days of service of the RSE0:

- 1 To repair or replace the electric oven so that there is an oven in working order.
- 2 To replace all broken or missing roof tiles.
- 3 To clean the roof gutters of all debris and vegetation.
- 4 To put the broken fence into a state of good repair.
- 5 To repair or replace the shower so that it is in working order.
- 6 To carry out repairs in the bathroom so that water no longer leaks from the bath and to ensure that the bath is effectively sealed.
- 7 To investigate and repair any damage in the area of the bathroom floor.
- 8 To put the ceiling of the downstairs toilet into a state of good repair.
- 9 To fit draught proof seals to the front and rear doors so that they reasonably reduce draughts.
- 10 To ensure that all the decoration in all areas where repairs are carried out is made good.

## Reasons for the Decision

On 3 December 2014, the Committee having received representations from new letting agents appointed by the Landlord allowed an additional 14 days for the works required by the RSE0 to be completed.

On 14 April 2015, the Surveyor Member of the Committee re-inspected the House and observed that all of the requirements of the RSE0 had been complied with, with the exception of replacement of roof tiles and the clearing out of the front gutter.

## Rent Relief Order

Significant amounts of work required by the RSE0 have been completed. However, the roof tiles have not been replaced and it is likely that this will lead to some disruption to the Tenant's comfortable occupation of the House.

In the circumstances, the Committee considers that a Relief Order imposing a restriction of rent by 20% is appropriate.



Rent Relief Order

Ordered by the Private Rented Housing Committee

prhp Ref:.....prhp/RP/14/0133.....

Re : .....38 Lanark Avenue, Deans, Livingston EH54 8QL .....(hereinafter referred to as "the house")

The Parties:

..... Laura Gray, 38 Lanark Avenue, Deans, Livingston EH54 8QL ..... ("the Tenant")

..... Mark Paterson Mandagie, Davaar Avenue, Newton Mearns ... ..... ("the Landlord")

NOTICE TO MARK PATERSON MANDAGIE ("the Landlord")

Whereas in terms of their decision dated 28 July 2015, the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the house made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 20% of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under section 64 of the said Act.

A landlord or a 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.

## Right of Appeal

Section 64 of the Act provides a right of appeal to a landlord or tenant aggrieved by a decision of a private rented housing committee. An appeal may be made to the Sheriff within 21 days of the Landlord or Tenant being informed of the decision.

Where such an appeal is made, the effect of the decision and 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.

# J. McHugh

John McHugh  
Chairperson

Date: 1 August 2015

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 Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

In witness whereof these presents type written on this and the preceding page(s) are executed by John Miller McHugh, solicitor, 3 Ponton Street, Edinburgh, Chairperson of the Private Rented Housing Committee at Edinburgh on 1 August 2015 before this witness:-

**G. McHugh** witness  
Chairman

name in full John Miller McHugh  
Address 3 Ponton St  
Edinburgh  
Occupation STATISTICIAN