



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE UNDER
RULE 26(1)) OF THE PRIVATE RENTED HOUSING PANEL (APPLICATIONS AND
DETERMINATIONS)(SCOTLAND) REGULATIONS 2007**

In connection with

PROPERTY

House, 3 Speckled Wood Court, Dunbar Park, on the ground floor of building 1 to 18, Speckled Wood Court, on 0.0308 hectare, part of 0.9205 hectare, to South of Berwick Drive, described in Notice of Title recorded in the division of the General Register of Sasines applicable to the County of Angus on 8 June 1989.

PARTIES

Miss Gillian Hoskins, residing formerly at the Property, per Gael Cameron, Dundee North Law Centre, 101 Whitfield Drive, Dundee DD4 0DX ("the Tenant")

(Note: the Tenant vacated the property following the inspection)

and

Ms Andrea Dempster, 41 Kilmany Road, Wormit, New-Port-on-Tay, DD6 8PG ("the Landlord")

PRHP Reference: prhp/RP/14/0204

DECISION

The Committee, having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the terms of the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 26 November 2014, in terms of section 26 (1) of the Housing (Scotland) Act 2006 (hereinafter referred to as "the Act"); DETERMINED that the Landlord had failed to carry out the repairs specified in the RSEO

BACKGROUND

1. Reference is made to: the Determination of the Committee dated 26 November 2014 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act") and the RSEO made by the Committee which required the Landlord to carry out works as

specified therein. The said works were to be carried out and completed within 6 weeks from the date of service of the Notice of the RSEO, which was effected on 27 November 2014.

2. Following the expiry of the Completion Date attempts were made by the PRHP administration to arrange a re-inspection on 13 May and 15 June 2015, both of which were postponed because contact could not be made with the landlord and her agents: Lindsays, Solicitors; and Balgay Properties both advised that they no longer acted. In an exchange of emails the landlord was advised that it was open to her to request an extension of the time for carrying out the works, but that she should specify the period required. No such application was received and no application for variation of the RSEO was received.
3. On 3 August 2015, a Notice of Required Entry was issued to the landlord advising her that a re-inspection had been arranged for 1030 on 18 August 2015 for the purpose of enabling or assisting the Committee to determine whether the landlord had complied with the RSEO. The Notice of Required Entry advised further that failing access being provided, a Warrant authorising the members of the Committee to exercise their right of access under section 181(2) of the Housing (Scotland) Act 2006 would be sought.
4. An email timed at 1056 on 18 August 2015 from the landlord to PRHP advised that the landlord was unable to provide access to the property as she did not have any keys. That email stated "...there is really no need to inspect because all the work has not been carried out, for the reasons I have given about the tennent (sic) still having a set if keys and belongings in the flat..."
5. By the time this email was received the surveyor member had attended at the property at the appointed time of 1030 and had been unable to gain access. He attempted to gain access by knocking at the door. He observed through the window that the property was not occupied and was devoid of furnishings (except for a few items lying around on the floors). The surveyor member was therefore unable to inspect the property to determine whether the landlord had complied with the RSEO.
6. In view of the admission by the landlord in her email of 18 August 2015 that all the works had not been carried out and in the absence of any application for a variation of the RSEO or an extension of the time within which the works should be completed the Committee found that the landlord had failed to comply with the Repairing Standard Enforcement Order made by the Committee.
7. Accordingly the Committee determined to issue a Notice of Failure.

RIGHT OF APPEAL

8. **A Landlord or Tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.**

EFFECT OF APPEAL

9. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the decision and any order will be treated

as having effect from the day on which the appeal is abandoned or so determined.

Signed ..**D. Preston**

Date.....13-9-15.....