



**Statement of facts and reasons for Determination in terms of
SECTION 26(2) OF THE HOUSING (SCOTLAND) ACT 2006**

PRHP Ref: PRHP/RP/14/0220

Property at: 71B Bannockburn Road, St Ninians, Stirling, FK7 0DG ("the property")

The Parties:-

Alana Tait, residing at 71B Bannockburn Road, St Ninians, Stirling, FK7 0DG ("the tenant")

and

Gerard Speed, residing at 11 Downie Place, Bannockburn, Stirling, FK7 8LG ("the landlord")

STATEMENT OF FACTS & REASONS.

(1) On 21st December 2014 the Private Rented Housing Committee issued a decision requiring the Landlord to comply with the repairing standard enforcement order made by the Committee on 5th December 2014.

(2) On 12 June 2015 the surveyor member of the Committee inspected the property. After this inspection the Committee was concerned that inadequate efforts had been made by the Landlord to carry out the work specified in the repairing standard enforcement order; the repairing standard enforcement order has not been complied with.

(3) On 12 June 2015, the surveyor member noted that there had been no attempt to carry out any of the works required by the Repairing Standard Enforcement Order.

(4) Despite the passage of time, the Landlord has not completed the works required by the RSEO. The Committee considered carefully the terms of s.26(4) of the 2006 Act. On the evidence placed before us, no realistic explanation for failure to carry out works necessary to comply with the repairing standard has been advanced.

(5) The Committee is concerned that no realistic efforts have been made by the Landlord to carry out all of the work specified in the repairing standard enforcement order; the Landlord has chosen not to comply with the repairing standard enforcement order.

(6) In the circumstances the Committee can only come to the unanimous conclusion that the Landlord has taken inadequate steps to comply with the repairing standard enforcement order dated 5th December 2014. The Committee will send a notice to the Local authority in terms of s.26(2) of the Housing (Scotland) Act 2006..

(7) 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.

(8) Where such an appeal is made the effect of the decision and the certificate are 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 certificate are to be treated as having effect from the day on which the Appeal is abandoned or so determined.

P DOYLE

Signe
Paul Doyle, Chairperson

