



Determination by the Private Rented Housing Committee

Housing (Scotland) Act 2006

Sections 25 and 26.

Property: The Old Kirk Cottage, Eassie, Forfar, Angus DD8 1SG

Landlord: Alexander Pattullo and Ann Pattullo, Eassie Farm, Eassie.

Tenant: Vacated

Title number: ANG 1709

Reference: PRHP/RP/15/0044

Committee: Mrs McCamley (Chairman) and Mr Godfrey (Surveyor)

DECISION:

The committee having made such enquiry as it sees fit, determines that the landlord has failed to comply with the Repairing Standard Enforcement Order dated 29/5/15 and now serves notice of said failure on Angus Council in terms of section 26 of the Act. As the property is not tenanted the committee does not make a Rent Relief Order.

STATEMENT:

On 29/5/15 the committee made a Repairing Standard Enforcement Order requiring certain works to be carried out at the property. Said work was ordered to be completed within 12 weeks of date of service of the Order. The RSEO is referred to for its terms.



The timescale for completion of work expired without any work having been carried out. On 5/10/15 the landlord addressed the committee confirming he had not carried out any repair work because, he stated, the future use of the property was uncertain, he was not intending to let it again, it may be sold, he may seek to have it demolished and he was not prepared to spend money on repairs until he had made up his mind. Having heard the landlord's submission the committee determined to vary the aforesaid RSEO extending the period in which the work should be completed by a further 3 months to allow the landlord extra time to 'firm up' his plans and to obtain specialist reports.

The time-limit referred to above having expired, a further hearing in this case was held in Forfar on 24/3/16. The landlord attended and advised he remained undecided about the future of the property. He has obtained a specialist damp proof report. He did not produce this report. He advised the terms of the report confirmed there was damp in the property. He stated the report did not detail any costings for repairs. The landlord went on to say he had had an architect survey the property 'a couple of weeks ago'. He has not received a formal report from the architect however the gist of the findings were to the effect that the property would require considerable modernization and it wouldn't be worth spending the money, it would be better to knock down the cottage and rebuild.



The committee listened very carefully to the landlord's submission. The committee was disappointed no progress had been made since the last hearing.

As the time for completing the required work has now expired the committee is obliged by statute to consider the next step in the proceedings.

The landlord states the work has not been done and confirms he does not intend to do it. He has not ascertained any costings, simply saying it would be too expensive and he is not going to spend any money on the property. In light of the landlord's position the committee concluded it would be nonsensical to vary the order to extend the timescale any further. By his own admission the landlord will not comply with the terms of the RSEO.

While the landlord submits he remains uncertain about the future of the property, we note that since June 2015 no action has been taken to progress any proposed sale or redevelopment of the site (with the exception of an architect being invited to assess the site a very short while prior to this hearing).



We cannot be satisfied the landlord has firm intentions as regards the sale or redevelopment of the site, and, while he states he has no intention of re-letting the property, his plans remain so uncertain and lacking in specification that we do not believe it can be dismissed as an option, despite his assurances to the contrary, and accordingly it would not be appropriate to revoke the order.

Having made the foregoing decision the committee will serve Notice of the Failure to Comply on Angus Council.

A landlord or tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by way of summary application within 21 days of being notified of the decision. Where such an appeal is made, the effect of the decision 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 will be treated as having effect from the date upon which the appeal is abandoned or so determined.

A McCamley

Chairman

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24/3/16

