



Rent Relief Order

Ordered by the Private Rented Housing Committee

prhp Ref:....prhp/RP/15/0127.....

Re : Property at 24F Main Street, St Ninians, Stirling FK7 9AP more particularly described in Land Certificate Title number STG12584 ((hereinafter referred to as "the house"))

The Parties:

..... Ray Selby, 24F Main Street, St Ninians, Stirling FK7 9AP ("the Tenant")

..... Richard Thomas Findlay, 120 Brightwater, Crosshaven, County Cork, Republic of Ireland ("the Landlord")

NOTICE TO RICHARD THOMAS FINDLAY ("the Landlord")

Whereas in terms of their decision dated 27 October 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 40% 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.

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, 65 Haymarket Terrace, Edinburgh, Chairperson of the Private Rented Housing Committee at Edinburgh on 27 October 2015 before this witness:-

G MCHUGH

_____ witness

J MCHUGH

_____ Chairman

GILLIAN MCHUGH name in full

65 HAYMARKET TERRACE Address

EDINBURGH

SOLICITOR Occupation



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

In connection with

Property at 24F Main Street, St Ninians, Stirling FK7 9AP (hereinafter referred to as “the House”)

Ray Selby, 24F Main Street, St Ninians, Stirling FK7 9AP (hereinafter referred to as “the Tenant”)

Richard Thomas Findlay, 120 Brightwater, Crosshaven, County Cork, Republic of Ireland (hereinafter referred to as “the Landlord”)

PRHP REFERENCE PRHP/ RP/15/0127

The Committee comprised the following members:

John McHugh, Chairperson
Christopher Harvey, Housing Member
Mike Links, Surveyor Member

DECISION

The Committee having carried out a further inspection of the House determined that the work required by the Repairing Standard Enforcement Order served on 28 July 2015 (“the RSEO”) had not been completed and resolved to issue a Rent Relief Order.

The decision of the Committee was unanimous.

Background

The RSEO required the Landlord to complete the following work within 28 days of service of the RSEO:

- 1 To repair or replace the windows such that they are free of misting, capable of being opened and closed as designed, and are reasonably draught proof.
- 2 To provide an up to date certificate from a suitably qualified electrician confirming that the electrical installations within the House are in safe working order. Such certificate must, in particular, confirm that the following are in safe working order: the sockets in the living room and hall; the main room thermostat for the gas central heating system; and the immersion heater in the hall cupboard.
- 3 To install fire detection devices in compliance with the terms of the Scottish Government Guidance on Satisfactory Provision for Detecting and Warning of Fires.

Reasons for the Decision

On 11 September 2015, the Surveyor Member of the Committee carried out a re-inspection of the House.

At the re-inspection the following was noted:

None of the works required by the RSEO had been addressed.

A copy of the photographs taken by the surveyor member is attached to this decision.

Rent Relief Order

The works required by the RSEO have not been completed. The failure to carry out the works has a material detrimental effect upon the tenant's enjoyment of his occupation of the House. In particular, it is of concern that matters of electrical and fire safety have not been addressed.

In the circumstances, the Committee considers that a Relief Order imposing a restriction of rent by 40% is appropriate.

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: 27 October 2015

Works in RSEO undertaken: None.



16th July 2015



11th Sept 2015



16th July 2015



11th Sept 2015