



## DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

### Statement of Decision of the Private Rented Housing Committee under section 26(1) of the Housing (Scotland) Act 2006

Re 58, Broomlands Drive, Irvine being the subjects described in the Feu Disposition by Cunninghame District Council in favour of David Collin Reilly recorded GRS (Ayr) 9<sup>th</sup> November 1994 (Search Sheet SS122281) ('the Property')

The Parties:-

Ms Christiane McCorgray residing formerly at 58, Broomlands Drive, Irvine ('The Tenant')

David Reilly residing sometime at 22, Littlestane Rise, Lawthorn, Irvine, KA11 2BJ and now at Meadowlands, Kippford, Dalbeattie, DG5 4LG ('The Landlord')

The Committee members were Jacqui Taylor (Chairperson) and George Campbell (Surveyor Member).

PRHP ref: PRHP/RP/16/0007

#### Background

1. The Repairing Standard Enforcement Order ('RSEO') dated 10<sup>th</sup> May 2016 in respect of the Property required the Landlord to:-

*'1.1. To install smoke and heat detectors in the property as follows:*

*(a) One functioning smoke alarm in every room which is frequently used by the occupants for general daytime living purposes;*

*(b) one functioning smoke alarm in every circulation space, such as hallways;*

*(c) one heat alarm in every kitchen, and*

*(d) all alarms should be interlinked.*

*1.2. To repair or replace the defective electrical socket and thereafter exhibit to the Committee a compliant Electrical Installation Condition Report.'*

2. The Committee ordered that the works specified in the RSEO were to be carried out and completed by 30<sup>th</sup> June 2016.

3. On 7<sup>th</sup> July 2016 George Campbell, surveyor member of the Committee, carried out an inspection of the Property for the purpose of ascertaining whether the said outstanding repairs had been completed. He found that none of the items had been satisfactorily completed. His reinspection report is annexed and executed as relative hereto.

4. On 28<sup>th</sup> June 2016 the Landlord wrote to the PRHP Administration and advised that he agreed with the terms of the reinspection report and wanted the Committee to consider a variation or revocation of the RSEO. A hearing was arranged at 10.30am on 13<sup>th</sup> September 2016 at Greenwood Conference Centre, Greenwood Gate, Dreghorn, Irvine, KA11 4GZ. Despite advising the PRHP administration that he would attend the hearing the Landlord did not attend the hearing and was not represented.

### **Decision and Reasons**

5. The Committee having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order, in relation to the Property concerned, determined that the Landlord had failed to comply with the terms of the RSEO and in terms of section 26(1) of the Housing (Scotland) Act 2006 further determined that a notice of the failure be served on the Local Authority in which the property is situated.

### **Right of Appeal**

6. A landlord or 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.

### **Effect of section 63**

7. 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, 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 Taylor

Signed ...  
Chairpers:

Date: 19<sup>th</sup> September 2016



## PRHP Re-inspection report



**Property:** 58 Broomlands Drive, Irvine KA12 0DZ

**Ref no:** PRHP/RP/16/0007

**Surveyor:** George Campbell

**Weather:** Warm and sunny with a slight breeze.

**Access:** Thursday 7 July 2016 at 10.30 hours.

In attendance:

Mr Barrie Gilchrist of Allen and Harris, Estate Agents provided access.

**RSEO:** The Private Rented Housing Committee, in the Notice of Direction dated 22 April 2016 and the RSEO dated 10 May 2016, required the Landlord to:-

1. To install smoke and heat detectors in the property as follows:
  - (a) One functioning smoke alarm in every room which is frequently used by the occupants for general daytime living purposes;
  - (b) one functioning smoke alarm in every circulation space, such as hallways;
  - (c) one heat alarm in every kitchen, and
  - (d) all alarms should be interlinked.
2. To repair or replace the defective electrical socket and thereafter exhibit to the Committee a compliant Electrical Installation Condition Report.

### **Works in RSEO undertaken:**

At inspection, items 1 and 2 above are still to be undertaken and no Electrical Installation Condition Report has been received in terms of the Notice of Direction and the RSEO.

The hall has a ceiling bracket but the battery operated smoke alarm unit is missing.

### **Works in RSEO outstanding:**

All of the original works, as stated above in the RSEO are still outstanding.

**Photographs taken at 58 Broomlands Drive, Irvine KA12 0DZ on 7 July 2016  
(PRHP/RP/16/0007)**



01 - Elevation (ground left) (taken previously)



02 - Hall – bracket for battery-operated smoke detector



03 - Living room - power socket and TV socket



04 - Living room - power socket