



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF DECISION**

PROPERTY:

Flat 3, 17 Mallpark Road, Montrose, Angus, DD10 8NS

RE-INSPECTION & HEARING

13th April, 2010

STATEMENT OF DECISION

Introduction

1. The Private Rented Housing Committee by decision dated 10th October, 2010 made a Repairing Standard Enforcement Order ('RSEO') against the landlord, Mr. Gerrald McPherson.
2. The Committee intimated to the parties that a re-inspection of the property would occur on 13th April, 2010. Notwithstanding such intimation, neither party (nor any representative) appeared.
3. The re-inspection Committee comprised

Chairman	Mr. Steven Walker
Surveyor	Mr David Godfrey
Housing Member	Mr John Wolstencroft

Re-Inspection

4. The Committee was unable to gain access to the property and so was only able to re-inspect externally. From an external observation the property appeared empty and it was obvious that the external works as detailed in the RESO at paragraphs 4(a)(b)(f)(g) and (h) have not been made.

Hearing

5. The Committee then convened a Hearing to determine, on the basis of the evidence available, whether the RSEO had been complied with. As a consequence of the landlord's wilful failure to allow the Committee access to the property and considering that it was obvious to the Committee that the external works have not been completed, the Committee considered that it is reasonable (in the circumstances) for the Committee to draw an adverse inference that the internal works have also not been completed.

Decision

6. Accordingly, the Committee determines that there has been a failure by the Landlord to comply with a RSEO in relation to the property in terms of Section 26(1) of the Housing (Scotland) Act 2006.

Signed **S. Walker**

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

14th April, 2010