

**Decision of the Private Rented Housing Committee.
Housing (Scotland) Act 2006 section 26.**

ref: PRHP/FK2/150/10

Re: Property at 59 Montgomery Street, Falkirk FK2 9BN ("the Property")

Title No: STG6191

The Parties:-

Ian Green, 27 MacFarlane Crescent, Cambuslang, Glasgow G72 ("the Landlord")

Janice Aitken, 59 Montgomery Street, Falkirk ("the Tenant")

1. By application dated 22/10/10 the tenant applied to the Private Rented Housing Committee for a decision that the property did not conform to the repairing standard set out in section 13 of the Housing (Scotland) Act 2006. The application was opposed by the landlord.
2. After sundry administrative procedures the property was inspected by the Committee on 31/1/11. The tenant and her representative were present at the inspection however the landlord did not attend.
3. Having taken account of the whole written and oral evidence and having been guided throughout the process by their surveyor member the Committee determined the landlord had failed to comply with the

duty imposed by section 14(1)(b) of the Act. Accordingly the Committee made a Repairing Standard Enforcement Order (which is produced and referred to for its terms) requiring certain works to be completed within 6 months from the date of service.

4. Following the expiry of the period for completion of the works the Committee's surveyor member attempted to reinspect the property. He could not gain access but reported, from external inspection, that none of the required external repairs had been completed. The property is not currently tenanted.

5. The Committee draws an adverse inference from the failure on the part of the landlord to allow access, to complete the external repairs, or to engage in this process. The Committee concludes not only has he failed to complete the external works, but he has also failed to complete the internal repairs. The RSEO has not been complied with in any respect.

6. The Committee will serve a Notice on the Local Authority of the failure to comply in terms of s26(2)(a) of the 2006 Act. The property has been vacated by the tenant and the Committee has no knowledge of her whereabouts or of the status of her tenancy. In the absence of such information the Committee is unable to consider a Rent Relief Order in this case.

A MCCAMLEY

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28th September 2011.



NOTICE TO LOCAL AUTHORITY
ISSUED BY
THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 26(2) OF THE HOUSING (SCOTLAND) ACT 2006

prhp Ref: PRHP/FK2/150/10

Re: Property at 59 Montgomery Street, Falkirk FK2 9BN
("the Property")

The Parties:-

Janice Aitken, 59 Montgomery Street, Falkirk ("the Tenant")

Ian Green, 27 MacFarlane Crescent, Cambuslang, Glasgow ("the
Landlord")

Notice is hereby given to Falkirk Council, being the local authority in which the property is situated, that there has been a failure by the Landlord to comply with a Repairing Standard Enforcement Order in relation to the house in terms of Section 26(1) of the Housing (Scotland) Act 2006. The Statement of Decision of the Private Rented Housing Committee under Section 26(1) of the said Act is attached hereto and referred to for its terms.

If an appeal against the decision of the Private Rented Housing Committee is made, then the effect of the decision is suspended until the appeal is abandoned or finally determined. In the event that the decision is confirmed, then the decision will be effective 28 days from the date on which the appeal is abandoned or so determined.

If an appeal is received then the Private Rented Housing Panel will notify you of this and the eventual outcome of the appeal.

The date of the decision under Section 26 of the Act is hereby certified to be Twenty eighth September 2011.

These presents typewritten on this and the preceding page are executed by me Anne McCamley, Solicitor and Chairman of the Private Rented Housing Committee at Edinburgh on Twenty Eighth September Two Thousand and Eleven in the presence of Murdoch McCamley, Chartered Accountant, Osborne House , Osborne Terrace , Edinburgh

M MCCAMLEY

A MCCAMLEY

(Witness)

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(Chairman)