



NOTICE TO LOCAL AUTHORITY

UNDER SECTION 26(2) OF THE HOUSING (SCOTLAND) ACT 2006

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: prhp/AB21/179/10

PROPERTY

Lower Floor Flat, 422 Auchmill Road, Bucksburn, Aberdeen, AB21 9NN TITLE
NUMBER ABN26312

PARTIES

MRS AGNIESZKA MARCINKOWSKA, residing at Lower Floor Flat, 422 Auchmill
Road, Bucksburn, Aberdeen, AB21 9NN.

Tenant

and

MR OMA EJUMOTAN, c/o Trinity Concepts Ltd, 3 Auchmill Terrace, Aberdeen, AB21
9LF

Landlord

NOTICE

1. **NOTICE IS HEREBY GIVEN** to Aberdeen 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 dated 21st April, 2011 in relation to the property in terms of Section 26(1) of the Housing (Scotland) Act 2006. The Statement of Reasons dated 12th August, 2011 and Repairing Standard Enforcement Order dated 21st April, 2011 of the Private Rented Housing Committee under Section 26(1) of the said Act is attached and referred to for its terms.

2. The date of service upon the parties of the said decision under Section 26 of the Act is hereby certified to be 12th August, 2011.

IN WITNESS WHEREOF these presents typewritten consisting of this and the preceding page are executed by me, Steven Peter Walker, Advocate and Barrister, Chairman of the Private Rented Housing Committee at London on the twelfth day of August two thousand and eleven before this witness, Hee Kiat Sii, solicitor, c/o 2-5 Warwick Court, London, WC1R 5DJ.

S Walker

H K Sii

Chairman

Witness



*Contract a Time Long
SML 17/8/11*

**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

**Lower Floor Flat, 422 Auchmill Road, Bucksburn, Aberdeen, AB21 9NN
TITLE NUMBER ABN26312**

REINSPECTION

17th June, 2011

STATEMENT OF REASONS

INTRODUCTION

1. This was an application dated 30th November, 2010 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mrs Agnieszka Marcinkowska ('the tenant') regarding the property known as and forming Lower Floor Flat, 422 Auchmill Road, Bucksburn, Aberdeen, AB21 9NN TITLE NUMBER ABN26312 ('the property'). The landlord of the property is Mr Oma Ejumotan, c/o Trinity Concepts Ltd, 3 Auchmill Terrace, Aberdeen, AB21 9LF ('the landlord'). The Committee determined that the landlord was in breach of the repairing standard by decision and RSEO both dated 21st April, 2011.

THE RSEO

2. The RSEO ordered the landlord to at paragraph 3 to carry out the following repairs ('the Works');-

1. *The entrance hall and spare bedroom of the property are suffering from damp\water penetration and mould which is being caused by the problems identified by the Committee in their decision dated 21st April, 2011 and which requires repair to ensure that the property is water tight and in all other respects reasonably fit for human habitation.*

THE REINSPECTION

3. The reinspection of the property was carried out on 17th June, 2011 by the surveyor member of the Committee. The surveyor prepared a report ('the report') dated 17th June, 2011 which concluded that the landlord has failed to comply with the terms of the RSEO. The said report was intimated to the parties for comment and the landlord has

advised the Committee that his reasons for his failure to comply with the RSEO are financial.

DECISION & REASONS

4. The Committee determines that the landlord is in default of the RSEO. The Committee having considered the terms of the report considered whether a Rent Relief Order ('RRO') should be made in terms of section 27 of the Act and determined that an RRO should be made given the landlord's failure to comply in full with the RSEO without reasonable excuse.
5. The Committee then considered the amount by which the rent should be reduced taking into account (1) the impact on the tenant of the failure to carry out the repairs, and (2) the failure by the landlord to carry out the repairs in direct contravention of an Order made by this Committee.
6. The Committee having made such enquiries as it deems appropriate determines that the landlord has failed to comply with the RSEO in terms of section 26(1) of the Act and that notice of this failure shall be served on the relevant local authority.
7. Accordingly, in the circumstances the Committee determines that an RRO should be made in terms of section 27 of the Act and determines that an appropriate deduction is 90%.

EFFECTIVE DATE

8. The RRO is effective 28 days after the last date in which the RRO can be appealed under section 64 of the Act.

RIGHT OF APPEAL

9. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

10. 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.

S Walker

Signed

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

12th August, 2011



*Completed True Copy
JMS 17/8/11*

RENT RELIEF ORDER ('RRO')

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: prhp/AB21/179/10

PROPERTY

Lower Floor Flat, 422 Auchmill Road, Bucksburn, Aberdeen, AB21 9NN TITLE
NUMBER ABN26312

PARTIES

MRS AGNIESZKA MARCINKOWSKA, residing at Lower Floor Flat, 422 Auchmill
Road, Bucksburn, Aberdeen, AB21 9NN.

Tenant

and

MR OMA EJUMOTAN, c/o Trinity Concepts Ltd, 3 Auchmill Terrace, Aberdeen, AB21
9LF

Landlord

RENT RELIEF ORDER ('RRO') AGAINST, MR OMA EJUMOTAN, c/o Trinity Concepts
Ltd, 3 Auchmill Terrace, Aberdeen, AB21 9LF heritable proprietor of all and whole the
subjects known as and forming Lower Floor Flat, 422 Auchmill Road, Bucksburn,
Aberdeen, AB21 9NN TITLE NUMBER ABN26312.

1. **WHEREAS** in terms of their decision dated 12th August, 2011, 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 property made by the Committee.
2. 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 property by an amount of **90%** 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.

RIGHT OF APPEAL

3. 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.

EFFECT OF APPEAL

4. 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 typewritten consisting of this and the preceding page are executed by me, Steven Peter Walker, Advocate and Barrister, Chairman of the Private Rented Housing Committee at London on the twelfth day of August two

thousand and eleven before this witness, Hee Kiat Sii, solicitor, c/o 2-5 Warwick Court,
London, WC1R 5DJ.

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Chairman

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Witness