



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

ref: PRHP/FK2/183/10

Re: Property at 99 Carronside Street, Bainsford, Falkirk ("the Property")

Title No: STG11770

The Parties:-

**Questway Limited, 260 Glasgow Road, Rutherglen, Glasgow G73 1UZ
("the Landlord")**

Jessica Ryan, 99 Carronside Street, Bainsford, Falkirk ("the Tenant")

Notice is hereby given to Falkirk Council being the local authority in which the property is situated that there has been a failure on the part of the Landlord to comply with a Repairing Standard Enforcement order in relation to the property in terms of section 26 (2) of the Act. The Statement of decision of the Private Rented Housing Committee under Section 26(1) of the Act is attached hereto and referred to for its terms.

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. If an appeal is made then the effect of the decision is suspended until the appeal is abandoned or finally 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 is hereby certified to be 18th August 2011.

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

M McCamley

(witness) J

A McCamley

Chairman PRHC

**Determination
by the Private Rented Housing Committee**

**Statement of decision
of the Private Rented Housing Committee
under Section 26 of the Housing (Scotland) Act 2006**

ref: PRHP/FK2/183/10

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Falkirk ("the Property")**

Title No: STG11770

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Glasgow G73 1UZ
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**Jessica Ryan, 99 Carronside Street, Bainsford, Falkirk
("the Tenant")**

1. The tenant made an application dated 13/12/10 to the Private Rented Housing Panel for a decision that the property did not conform to the repairing standard set out in the Housing (Scotland) Act 2006. The application was opposed by the landlord Questway Limited.

2. A Private Rented Housing Committee inspected the property on 21/2/11 in the presence of the tenant. Taking account of the whole written and oral evidence together with their findings after inspection the Committee made a Repairing Standard Enforcement Order dated 28/2/11. In terms of the RSEO the landlord was required to complete the works within 4 months of the date of the Order.

3. By letter dated 15/6/11 the PRHP intimated to the landlord that the Committee would re inspect the property on 6/7/11.

4. The Committee could not gain access to the property on 6/7/11. The landlord did not attend at the specified time and had not made arrangements which would allow the Committee into the property to carry out a re

inspection.

5. On 14/7/11 the PRHP sent further notice to the landlord requiring access to the property on 3/8/11. Again access could not be obtained.

6. A 'TO LET' sign is displayed at the property.

7. By letter dated 27/7/11 the landlord advised the property was currently empty and was to be put up for sale shortly.

8. The Committee determines the RSEO has not been complied with in any respect.

9. That failure in compliance is not justified by any of the facts relevant to anything in the 2006 Act.

10. The Committee has drawn an adverse inference from the failures (2) on the part of the landlord to allow access.

11. The Committee will serve a Notice on the local authority of the failure of the landlord to comply with the terms of the RSEO. As the property is not currently the

subject of a tenancy agreement it is not appropriate to make a Rent Relief Order

12. A Landlord or Tenant aggrieved by the decision of the Private Rented Housing Committee may apply to the Sheriff by summary application within 21 days of being notified of that decision.

13. 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.

A McCamley

Chairman PRHP

18th August 2011