



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

prhp Ref: PRHP/DD1/189/11

Re : Property at 4/R 40 Union Street, Dundee, DD1 4BE ("the Property")

**The Parties:-**

**JAMIE GREGORY, residing at 4/R 40 Union Street, Dundee, DD1 4BE ("the Tenant")**

**Ms MAIRI HANDY, 30A South Tay Street, Dundee DD1 1PD (represented by their agent Albion Let, 30A South Tay Street, Dundee, DD1 1PD) ("the Landlord")**

Notice is hereby given to Dundee City Council, Dundee House, 50 North Lindsay Street Dundee DD1 1QE, being the local authority in which the house is situated, that there has been a failure by the Landlord to comply with a Repairing Standard Enforcement Order in relation to the property 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 and the Rent Relief Order is suspended until the appeal is abandoned or finally determined. In the event that the decision is confirmed, then the Rent Relief Order and 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 service upon the parties of the decision under Section 26 of the Act is hereby certified to be 4<sup>th</sup> December 2012

In witness whereof these presents type written on this page are executed by Paul Doyle, solicitor, 24 Haddington Place, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 4<sup>th</sup> December 2012 before this witness:-

**R Hymers**

witness

**P Doyle**

chairman

Rebecca Hymers  
Secretary  
24 Haddington Place  
Edinburgh



**Statement of facts and reasons for Determination in terms of  
SECTION 26(2) OF THE HOUSING (SCOTLAND) ACT 2006**

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**STATEMENT OF FACTS & REASONS.**

1. On 31<sup>st</sup> May 2012 the Private Rented Housing Committee issued a decision requiring the Landlord to comply with the repairing standard enforcement order made by the Committee on 30<sup>th</sup> May 2012. The following members constituted the Committee

Paul Doyle, Legal Member  
David Godfrey, Surveyor Member  
John Wolstencroft, Housing Member

2. On 1<sup>st</sup> August 2012 the Landlord wrote to the PRHP complaining that it was not possible to carry out the work called for in the RSEO because the common stair had been damaged & no contractors were willing to enter the property.
3. By letter dated 1<sup>st</sup> October 2012 the Landlord wrote to the Private Rented Housing Panel stating

*".....I intend to leave the property vacant with a view to selling the property and have no intention of re-letting the property  
".....I was advised.....that I would not have to therefore comply with the RSEO."*

4. The RSEO required the Landlord to *"To carry out such works as are necessary to replace the windows throughout the property, so that the property becomes wind & watertight"* by 30<sup>th</sup> August 2012. The Landlord has not carried out those works, and has indicated that she has no intention of carrying out those works. The Committee considered carefully the terms of s.26(4) of the 2006 Act. Has the landlord been prevented from carrying out the works by matters beyond the Landlord's Control?
5. The Land certificate placed before the Committee indicates that the Landlord has sufficient rights of access, so that the Committee considered whether or not

exercising those rights of access would endanger any person. On 28<sup>th</sup> May 2012 (after the common stair serving the property had been damaged by fire) the Committee members inspected this property, negotiating the common stair without difficulty. It is within the Committee's knowledge that the fire damage done to the common stair has not prevented access to the property, nor to any other properties served by the same common stair, since 28<sup>th</sup> May 2012. On the Landlord's own evidence, it is her intention to sell the property. Sale of the property will require access to the property by the same common stair for estate agents, surveyors and prospective purchasers. The evidence in this case indicates that there is no real restriction to the access to the property, so that sections 26 (3)& (4) are not engaged.

6. The Committee is concerned that no efforts have been made by the Landlord to carry out the work specified in the repairing standard enforcement order; the Landlord has chosen not to comply with the repairing standard enforcement order.
7. In the circumstances the Committee can only come to the unanimous conclusion that the Landlord has taken inadequate steps to comply with the repairing standard enforcement order dated 30<sup>th</sup> May 2012. The Committee will send a notice to the Local authority in terms of s.26(2) of the Housing (Scotland) Act 2006..
8. **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.**
9. Where such an appeal is made the effect of the decision and the certificate are suspended until the Appeal is abandoned or finally determined. Where the Appeal is abandoned or finally determined by confirming the decision, the decision and the certificate are to be treated as having effect from the day on which the Appeal is abandoned or so determined.

**P Doyle**

Signed:.....  
Paul Doyle, Chairperson