



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

PRHP Reference: FK8/4/11

Re: Property at 20 Ramsay Place, Raploch, Stirling ("the Property")

Land Register Title No: STG113

The Parties:

NICHOLA ALMASS, 32 Alpin Drive, Dunblane ("the Landlord")

GERALD MCGOWAN, 20 Ramsay Place, Raploch, Stirling ("the Tenant")

Notice is hereby given to Stirling Council, being the local authority in which the Property is situated, that there has been a failure by the Landlord to fully 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.

No Rent Relief Order has been made as the existing Tenant has left the Property and there is a new Tenant in residence.

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 July 2011.

In witness whereof these presents type written on this page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on 30 June 2011 before this witness:-

R Graham

.... Witness

J V Lea

..... Chairman

Rachel Graham
2 Rhynd Farm Cottages
Leuchars, Fife
KY16 0DR



Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006

prhp Ref: FK8/4/11

Re : Property at 20 Ramsay Place, Raploch, Stirling ("the Property")

Land Register Title No: STG113

The Parties:-

Nicola Almass, 32 Alpin Drive, Dunblane ("the Landlord")

Gerald McGowan, 20 Ramsay Place, Raploch, Stirling ("the Tenant")

Decision

The Committee, having noted that the Landlord has failed to have the electrical installations in the Property checked and certified by a NICEIC approved contractor, to ensure that they are in a reasonable state of repair and in proper working order in terms of the Repairing Standard Enforcement Order issued by the Committee on 26th April 2011; Find that the Landlord has failed to comply with the said Repairing Standard Enforcement Order within the period of 6 weeks from the date of service of the notice being 27 April 2011. Resolved to serve notice of the failure on the local authority.

Background

1. On the 26th April 2011, the Private Rented Housing Committee having determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act") issued an Order requiring the Landlord to:
 - a. Have the electrical installations in the Property checked and certified by a NICEIC approved contractor, to ensure that they are in a reasonable state of repair and in proper order;
 - b. Repair/Replace the WC and bath, to ensure that both are in a reasonable state of repair and in proper working order;
 - c. Repair/Replace the kitchen cupboards and drawers, to ensure that they are in a reasonable state of repair and in proper working order.
2. The Property was re-inspected on 3rd June 2011 by the surveyor member of the Committee. A new 3 piece bathroom suite has been installed. The defective kitchen unit has been replaced by a new unit. The defective pendant socket in the hall has been repaired and the loose power socket has been made good. The living room pendant light also appears to be functioning. The Committee accordingly considered that the Landlord had complied with these parts of the Order.
3. The Landlord however did not produce a certificate from a NICEIC approved contractor to show that the electrical installations in the Property are in a reasonable state of repair and in proper working order. The Committee allowed the Landlord a further week after the re-inspection to produce a certificate. No certificate has been produced and the Landlord has not given an explanation for his failure to produce it.

4. The Committee accordingly Find in terms of Section 26 (1) of the Act that the Landlord has failed to fully comply with the Repairing Standard Enforcement Order without reasonable excuse and Resolve to serve notice of the failure on the local authority.

Decision

5. The Committee Resolved to serve notice of the Landlord's failure to fully comply with the Repairing Standard Enforcement Order on the local authority.
6. The decision of the Committee is unanimous.

Right of Appeal

7. 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.

Effect of section 63

8. 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.

J V Lea

Signed.....Date 30 June 2011
Chairperson