



NOTICE TO LOCAL AUTHORITY

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

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: AB12/58/10

PROPERTY

**26 Thistle Drive, Aberdeen, AB12 4QH.
TITLE NUMBER KNC1519**

PARTIES

MR TOMS AND MRS ZANE TAURINS, formerly residing at 26 Thistle Drive,
Portlethen, Aberdeenshire, AB12 4QH

Tenants

and

MR ABDUL HAMID AND MISS TAHMIDA KALAM, residing at 8 Ramsay Road,
Stonehaven, Aberdeenshire, AB39 2HT.

Landlords

NOTICE

- 1. NOTICE IS HEREBY GIVEN** to Aberdeenshire Council, being the local authority in which the property is situated, that there has been a failure by the Landlords to comply with a Repairing Standard Enforcement Order ('RSEO') dated 2nd July, 2010, which is produced, in relation to the property in terms of Section 26(1) of

the Housing (Scotland) Act 2006. The Statement of Reasons dated 2nd July, 2010, 13th October, 2010, 20th January, 2011 and the Notice to Vary the RSEO dated 13th October, 2010 are also produced and referred to for their terms.

2. The date of service upon the parties of the said decision under Section 26 of the Act is hereby certified to be 20th January, 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 twentieth day of January Two Thousand and Eleven in the presence of Hee Kiat Sii, solicitor, c/o 2-5 Warwick Court, London, WC1R 5DJ.

S Walker

Chairman

H K Sii

Witness



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

26 Thistle Drive, Aberdeen, AB12 4QH.

RE-INSPECTION

21st December, 2010

STATEMENT OF REASONS

INTRODUCTION

1. An application dated 16th March, 2010 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mr and Mrs Toms Taurins ('the tenants') regarding the property known as and forming 26 Thistle Drive, Portlethen, Aberdeenshire, AB12 4QH ('the property'). The landlords of the property are Mr Abdul Hamid and Miss Tahmida Kalam ('the landlords') who did reside at 8 Ramsay Road, Stonehaven, Aberdeenshire, AB39 2HT and were, at the date of the re-inspection, residing in the property.
2. There was an inspection and hearing concerning the property scheduled for 24th June, 2010. The Committee was unable to inspect the property as no access was given. The Committee proceeded with the hearing which occurred on 24th June, 2010 following which the Committee reached its decision dated 2nd July, 2010 and as a consequence of which issued a Repairing Standard Enforcement Order ('RSEO') dated 2nd July, 2010.
3. The Committee re-inspected the property on 14th September, 2010 to determine if the RSEO had been complied with. The re-inspection of the property comprised of the original Committee. The Committee observed that the RSEO paragraphs 3(c)(d) and (e) had not been complied with. The Committee determined by decision dated 13th October, 2010 that it was appropriate to vary the RSEO and provide the Landlords with an additional 4 weeks in which to complete these outstanding works. A notice to vary the RSEO of even date was also issued. The outstanding RSEO works are as follows:-

(c) The dishwasher requires repair to ensure it is in a reasonable state of repair and in proper working order.

(d) The mixer tap requires repair to ensure that it is in a reasonable state of repair and in proper working order.

(e) Two mains wired and interlinked smoke alarms require to be installed or repaired as appropriate in the ground and first floor halls in order that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

RE-INSPECTION

4. The Surveyor member of the Committee was allowed access to the property by the Landlords who were still living in the property on 21st December, 2010. The Surveyor observed that the RSEO (as varied) paragraphs 3(c)(d) and (e) had not been complied with. This is detailed in the Surveyor's re-inspection report dated 21st December, 2010 a copy of which is produced.

DECISION

5. The Committee having considered and discussed the re-inspection report dated 21st December, 2010 accordingly 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 and the Police instructed to inform the Procurator Fiscal of this offence for prosecution. As the Landlords are in current occupation of the property, the Committee did not consider that any other Order was appropriate.

RIGHT OF APPEAL

6. 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


7. In terms of section 63 of the Act, where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by confirming the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

S Walker

Signed 

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee


[date], 2011



PRHP Re-inspection report

Property: 26 Thistle Drive, Portlethen, Aberdeen AB12 4QH.

Ref no: prhp/AB12/58/10

Surveyor : Mr Angus Anderson

Access: 21st December, 2010, 10.00am. Present: Mr Abdul Hamid.

RSEO: The works required by the RSEO are as follows;- Works (a) and (b) are completed.

(a) The boiler requires repair to ensure that the boiler is in a reasonable state of repair and in proper working order.

(b) The window in the children's bedroom requires repair to ensure that the house is wind and water tight and in all other respects reasonably fit for human habitation. Furthermore, the window handle in the children's bedroom requires repair to ensure it is in a reasonable state of repair and in proper working order.

(c) The dishwasher requires repair to ensure it is in a reasonable state of repair and in proper working order.

(d) The mixer tap requires repair to ensure that it is in a reasonable state of repair and in proper working order.

- (e) Two mains wired and interlinked smoke alarms require to be installed or repaired as appropriate in the ground and first floor halls in order that the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

Observations:

Overall, the property is unchanged from the previous inspection of 14th September, 2010. The whole of the kitchen tap body rotates, with the supply pipes twisting, instead of the rotating arm moving when pushed between the main bowl and the half bowl. The Landlord confirmed the dishwasher does not work. The smoke alarms have not been replaced with mains operated, interlinked fitments. The existing, independent battery powered units at the hall and landing ceilings have had batteries fitted and functioned when the test button was pressed.

Conclusions:

The Landlord has not undertaken the repairs specified in the RSEO, as varied.

Angus Anderson

Surveyor

21st December, 2010