



**NOTICE TO LOCAL AUTHORITY
UNDER SECTION 26(2) OF THE HOUSING (SCOTLAND) ACT 2006**

**BY THE
PRIVATE RENTED HOUSING COMMITTEE**

PRHP Ref; ML/11/71/11

PROPERTY

1 Porteous Place, Forth, South Lanarkshire, ML11 8GA Title Number LAN 198639

PARTIES

MRS NANCY BOYLE, residing formerly at 1 Porteous Place, Forth, South Lanarkshire,
ML11 89A

Tenant

and

MR DAVID MACFARLANE, residing at 17 Marlborough Heights, Belfast, BT6 9QR

Landlord

NOTICE

1. **NOTICE IS HEREBY GIVEN** to South Lanarkshire 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 22nd August, 2011 in relation to the property in terms of Section 26(1) of the Housing (Scotland) Act 2006. The Statement of Reasons dated 11th August, 2011, Repairing Standard Enforcement Order dated 22nd August, 2011 and Notice of Direction dated 28th November, 2011 of the Private Rented Housing Committee are attached 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 24th February, 2012.

IN WITNESS WHEREOF these presents typewritten consisting of this and the preceding two pages are subscribed by me, Steven Peter Walker, Advocate & Barrister, Chairman of the Private Rented Housing Committee, at London on the 24th day of February two thousand and twelve before this witness, Hee Kiat Sii, solicitor, 2-5 Warwick Court, London, WC1R 5DJ.

S P Walker

Chairman

H K Sii

Witness



**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

1 Porteous Place, Forth, South Lanarkshire, ML11 8GA

STATEMENT OF REASONS

INTRODUCTION

1. This was an application dated 15th March, 2011 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mrs Nancy Boyle ('the tenant') regarding the property known as and forming 1 Porteous Place, Forth, South Lanarkshire, ML11 89A ('the property'). The landlord of the property is Mr David MacFarlane, residing at 17 Marlborough Heights, Belfast, BT6 9QR ('the landlord').
2. The Committee by Statement of Reasons dated 11th August, 2011 determined that the landlord has failed to comply with the duty imposed on him by section 14(1)(b) of the Act as the property fails to meet the repairing standard as set out in section 13(1) of the Act. The Committee ordered that certain works be carried out by the landlord by Repairing Standard Enforcement Order ('RSEO') dated 22nd August, 2011.

THE REINSPECTION

3. The reinspection of the property was carried out on 12th October, 2011 by the surveyor member of the Committee. The surveyor prepared a report ('the report') dated 18th October, 2011 which concluded that the landlord has failed to comply with the terms of the RSEO as a number of works required by the RSEO remain outstanding. These outstanding works are detailed in the report which is attached to this Statement of Reasons and referred to for its terms. The said report was intimated to the parties for comment.
4. As there was no electrical power in the property at the time of the reinspection, the Committee by Notice of Direction No 1 dated 28th November, 2012 ('Notice of Direction') ordered the landlord to;

'2.1 Lodge with the Private Rented Housing Panel, 3rd Floor, 140 West Campbell Street, Glasgow G2 4TZ ("PRHP") an up to date satisfactory Periodic Inspection Report (PIR) regarding the electricity supply in the property and Portable Appliance Test Certificate (PAT) regarding the dishwasher. The landlord should lodge the PIR Report and PAT Certificate from a qualified electrician no later than midday on 23 December, 2011.

3. TAKE NOTICE THAT failure to comply with this direction will result in the Committee drawing such an adverse inference as it considers appropriate by such non-compliance and thereafter proceeding to determine whether there has been full compliance with the RSEO 22nd August, 2011.'

5. The landlord has failed to respond to said Report or the Notice of Direction or comply with their terms.

DECISION & REASONS

6. Accordingly, the Committee determines that the landlord is in default of the RSEO as this has not been fully complied with and further the landlord being, inter alia, in default of the Notice of Direction is also in default of the RSEO.
7. As the property is untenanted the Committee does not consider that a Rent Relief Order ('RRO') should be made in terms of section 27 of the Act.
8. 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.

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. 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 P Walker

Signed

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

24th February, 2012