



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

Re 60, Main Street, Kirkcowan, Newton Stewart, DG8 0HG being the subjects registered in the Land Register of Scotland under Title Number WGN752 ('the Property')

The Parties:-

John Anderson residing at 60 Main Street, Kirkcowan, Newton Stewart, DG8 0HG ('The Tenant')

Gail MacVicar residing at 1 Millbrae, Bridge of Weir, Renfrewshire, PA11 3LD ('The Landlord')

Notice is hereby given to Dumfries and Galloway 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 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. The Statement of Decision was served on the Landlord on 26th February 2013.

In witness whereof these presents are executed by Jacqueline Carol Taylor, Solicitor, 65 High Street, Irvine Chairperson of the Private Rented Housing Committee at Irvine on 26th February 2013 before this witness:-

K Byrne

_____ witness

J Taylor

_____ Chairperson

Keirsten Byrne

Name in full

65 High Street

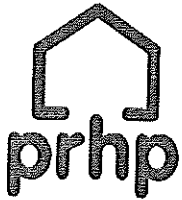
Address

Irvine

KA12 0AL

Paralegal

Occupation



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

Statement of Decision of the Private Rented Housing Committee under section 26(1) of the Housing (Scotland) Act 2006

Re 60, Main Street, Kirkcowan, Newton Stewart, DG8 0HG being the subjects registered in the Land Register of Scotland under Title Number WGN752 ('the Property')

The Parties:-

John Anderson residing at 60 Main Street, Kirkcowan, Newton Stewart, DG8 0HG ('The Tenant')

Gail MacVicar residing at 1 Millbrae, Bridge of Weir, Renfrewshire, PA11 3LD ('The Landlord')

Background

1. On 25th July 2012 the Private Rented Housing Committee ('the Committee') issued a Determination which stated that the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ('the Act'). On the same date the Committee issued a Repairing Standard Enforcement Order ('RSEO') in respect of the property.
2. The RSEO made by the Committee required the Landlord to:-
 - (1) Repair the rear door of the Property to ensure that it is rendered wind and water tight.
 - (2) Repair the hole in the roof of the tool shed and fill the gaps around the windows of the tool shed to ensure that it is rendered wind and water tight.
 - (3) Reinstall the door of the potting shed.
 - (4) Make safe the greenhouse by either removing or reinstating the glass to render it in a safe condition.
 - (5) Repair or replace the glass of the sky lights in the en-suite shower room, boxroom and stairwell to eradicate condensation and render them in proper working order.
 - (6) Repair the doors to the dining room and box room to ensure that they open and close properly.
 - (7) Repair the defective seal behind the kitchen sink to ensure that the seal is watertight.
 - (8) Make secure the loose floor boards in the two front bedrooms.
 - (9) Either seal or repair the old kitchen cupboard next to the window in the kitchen to render the cupboard fit for purpose.
3. The Private Rented Housing Committee ordered that the works specified in the RSEO were to be carried out and completed by 31st October 2012.
4. On 10th January 2013 the surveyor member of the Committee attended at the Property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed.
She found that the repairs required at clauses (1), (3), (4), (5), (6) [but in relation to the doors to the dining room only], (8) and (9) of the RSEO had been carried out and had been completed.

However the repairs required at clauses (2), (6) [in relation to the box room door] and (7) of the RSEO had not been carried out and had not been satisfactorily completed.

Decision and Reasons

5. The Committee having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order, in relation to the Property concerned, determined that the Landlord had failed to comply with clauses (2), (6) [in relation to the box room door] and (7) of the RSEO in terms of section 26(1) of the Housing (Scotland) Act 2006 and that a notice of the failure be served on the Local Authority in which the property is situated.

Right of Appeal

6. 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

7. 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.

Signed **J Taylor**
Chairperson

Date: 21st February 2013