



**Notice of Revocation of Repairing Standard
Enforcement Order**

Issued by the Private Rented Housing Committee

Under Section 25(1)(b) of the Housing (Scotland) Act 2006

prhp Ref: prhp/RP/13/0076

Re : Property at 38 Bridgend, Duns, Berwickshire TD11 3EX ("the Property")

Title No: BER4702

The Parties:-

Joseph Knowles, residing sometime at 38 Bridgend, Duns, Berwickshire TD11 3EX ("the Tenant")

and

Andrew David Tait, residing sometime at 11 North High Street, Duns, thereafter Purleyknowe, Fernieflatt, Kineff, Montrose and now at Glenview, High Street, Earlstoun TD4 6DE ("the Landlord")

NOTICE TO WILLIAM ALEXANDER McKAY ("the Landlord")

Considering that the Private Rented Housing Committee determined on 22 April 2016 to issue a Notice revoking the Repairing Standard Enforcement Order relative to the Property made on 27 January 2014 and served on 6 March 2014, therefore in terms of Section 25(1)(b) of the Housing (Scotland) Act 2006 the Committee hereby revokes the said Order and that with effect from the date specified in Sections 63(4) and (5) of the said Act, being 28 days after the last date on which this decision may be appealed.

A landlord or tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within 21 days of being notified of this decision.

In witness whereof these presents typewritten on this page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 22 April 2016 before this witness, Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian:-

V. CLARK

G. CLARK

— witness

— chairman



Statement of decision of the Private Rented Housing Committee under Section 25 (1)(b) of the Housing (Scotland) Act 2006

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The Parties:-

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Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether to revoke the Repairing Standard Enforcement Order made on 27 January 2014 and served on 6 March 2014 in relation to the Property, determined that the said Order and the Rent Relief Order in respect of the Property, made under Section 27 of the Act on 28 August 2014, should be revoked.

Background

1. By application dated 11 August 2013 and received by the Private Rented Housing Panel on 21 August 2013, the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard and in particular that the Landlord had failed to ensure that:-
 - (a) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
 - (b) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order, and
 - (c) the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire
3. The Private Rented Housing Committee inspected the Property on the morning of 27 January 2014 and subsequently held a hearing at Volunteer Hall, Langtongate, Duns and heard from the Tenant. The Committee determined that the Property did not meet the standard laid down in Section 13 of the Act and that the Landlord had failed to comply with the duties imposed on landlords by Section 14(1)(b) of the Act. The Committee comprised George Clark (chairman), Richard Burnett (surveyor member) and David Hughes Hallett (housing member).

4. The Committee made a Repairing Standard Enforcement Order in respect of the Property which was served on 6 March 2014, requiring the Landlord:-
 - (a) to carry out such works as are necessary to repair the leaks in the guttering to the rear of the Property and restore it to proper working order,
 - (b) to exhibit an up to date Periodic Electrical Test in respect of the entire electrical installation in the Property and the garage,
 - (c) to carry out such repairs as are required to ensure that the night storage heaters on the first floor landing and in the first floor bedroom to the right at the top of the stair of the Property are in proper working order; and
 - (d) to install a smoke detection system, comprising mains-wired, interlinked smoke detectors on the ground and first floors of the Property.
5. On 16 April 2014, the Committee agreed, following a request from the Landlord to postpone the re-inspection which had been scheduled for the following day, to vary the Repairing Standard Enforcement Order by extending the time allowed for the completion of the work by a period of one month following the date that the Notice of the Decision to vary the Repairing Standard Enforcement Order was served.
6. The Committee re-inspected the Property on the morning of 28 August 2014. The Landlord was not present or represented at the inspection. The Tenant was not present at the inspection, but was represented by his partner. Following the inspection, the Committee held a hearing at Volunteer Hall, Langtongate, Duns. Neither the Landlord nor the Tenant was present or represented at the hearing.
7. Following the reinspection and hearing, the Committee made a Rent Relief Order in respect of the Property.
8. The surveyor member of the Committee inspected the Property again on 12 November 2015. He found that the Tenant had vacated the Property. The Landlord was represented at the reinspection by his father. The surveyor reported to the Committee that, whilst it was not possible to confirm that the gutters were working correctly, a visual inspection from ground floor suggested that remedial works had been carried out and this was confirmed by the Landlord's father. The night storage heaters had been renewed and appeared to be satisfactory. No up to date Periodical Inspection Test had, however, been exhibited and, whilst mains-wired smoke detectors had been installed on the ground, first and attic floors of the Property, they were not interlinked. A file of photographs, taken at the reinspection, is attached to and forms part of this Statement of Decision.
9. Copies of the reinspection report were sent to the Landlord and Tenant, who were given an opportunity to comment on its contents. Neither party provided any further comments for the Committee to consider, and the Committee determined that the Repairing Standard Enforcement Order and the Rent Relief Order should remain in place.
10. On 8 April 2016, the Private Rented Housing Panel received an e-mail from Mr Scott Laidler, which was passed on to the Committee for consideration. In the e-mail, Mr Laidler stated that he had purchased the Property in December 2015, that he fully intended that it be his family's "forever" home and that he did not intend to rent it out at any time.

Summary of the issues

11. The issue to be determined was whether it was appropriate for the Committee to revoke the Order and the Rent Relief Order in respect of the Property

Reasons for the decision

The Committee was satisfied that, whilst some of the work required by the Repairing Standard Enforcement Order had not been carried out as at the date of the reinspection on 12

November 2015, there was sufficient evidence that the Property had been sold and that the new owners intended to occupy it as their home, so the Property was no longer let or available to let in the private rented market. Accordingly, the Committee agreed that it was appropriate to revoke the Order and the Rent Relief Order in respect of the Property.

Decision

12. The Committee accordingly determined that the Repairing Standard Enforcement Order made on 27 January 2014 and served on 6 March 2014, together with the Rent Relief Order made on 28 August 2014, should be revoked.
13. The decision of the Committee was unanimous.

Right of Appeal

14. **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

15. 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.

G. CLARK
Signed..,Chairperson 22 April 2016