

Ref: PRHP/RP/13/0160



**NOTICE OF A DECISION TO REVOKE
A REPAIRING STANDARD ENFORCEMENT ORDER
ORDERED BY THE PRIVATE RENTED HOUSING COMMITTEE**

**Re: Property 19B Arklay Street, Dundee DD3 7LG as more particularly described in
the Land Certificate relating to Title Number ANG25278 (“the House”)**

The Parties:-

Jean Cameron, formerly residing at the House (“the Tenant”)

and

**Mr Asif Sarwar, c/o Central Property Management, 33 Clepington Road, Dundee,
DD4 7EL (“the Landlord”), formerly Mr James Bain, 11 Marchmont Road,
Greenlaw, Duns, TD10 6YQ**

Committee: Mr Maurice O'Carroll (Chairperson)
Mr David Godfrey (Surveyor Member) and
Mr Michael Scott (Housing Member)

NOTICE TO: Mr Asif Sarwar

The Private Rented Housing Committee having determined that the work required by the Repairing Standard Enforcement Order relative to the Property is no longer necessary, the said **Repairing Standard Enforcement Order is hereby revoked** with effect from the date of service of this Notice.

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

Where such an appeal is made, the effect of the decision and 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.

M O'CARROLL

Signed
Maurice O'Carroll, Chairperson

Date: 3 November 2015

P MERCER



..... witness:
Phaedra Mercer, Clerk, Stamp Office, Waterloo Place, Edinburgh EH1 3EG



Statement relative to the Notice of the Decision to Revoke

The Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re: House at 19B Arklay Street, Dundee DD4 6LU as more fully described in the relative Notice ("the House")

Case Ref: PRHP/RP/13/0160

The Parties:-

Application received from Jean Cameron ("the Tenant")

Asif Sarwar, as designated above ("the Landlord"), formerly James Bain

Committee: Mr Maurice O'Carroll (Chairperson), Mr David Godfrey (Surveyor Member) and Mr Michael Scott (Housing Member)

Decision

The Committee unanimously, having made such enquiries as it saw fit for the purpose of determining whether the Repairing Standard Enforcement Order ("RSEO") relative to the House should be revoked in terms of section 25 of the Housing (Scotland) Act 2006 agreed that the RSEO should be revoked.

1. The RSEO relative to the House required the Landlord to:

- (i) To repair or replace the living room and bedroom windows as necessary. Such works include but are not restricted to repairing the broken glass and misting casements, replacing broken catches, seals and repainting to a satisfactory standard.**

- (ii). To repair or replace the front door, the locking mechanism and door frame.
 - (iii). To replace the electric shower in the bathroom with an equivalent model to the one in place in the House at present.
 - (iv). To have both electricity sockets in the living room properly installed and fixed by a properly qualified and certified electrician. Thereafter to provide an inspection report from a qualified and certified electrician to confirm that the electrical system in the property is safe and fit for use.
 - (v). To overhaul and repair the cast iron rainwater goods as listed in paragraph 3.1 of the Graham & Sibbald report dated 14 October 2013 referred to in the Committee's decision to bring them up to a reasonable standard of repair.
 - (vi). To hack off and patch the damaged areas of wall and brickwork at the rear of the property. Also, if necessary, to co-operate and co-ordinate with the local authority in order to effect those works or any of them which may be common to the property.
2. The RSEO specified that these works required to be carried out and completed within 90 days of service of the RSEO on 8 May 2014.
 3. A re-inspection of the House conducted by the surveyor member of the Committee took place on 5 September 2014 to verify that the works had been carried out and a report was produced by him on that date. None of the works required by the RSEO had been carried out.
 4. A second re-inspection of the House was conducted by the surveyor member of the Committee on 19 December 2014 and a report issued on the same date. At that point the house had been re-possessed by the heritable creditor, Skipton Building Society and Mr James Bain was no longer the owner in occupation. None of the works specified in the RSEO had been carried out. Matters were then held in abeyance until a new proprietor took ownership.
 5. On 5 October 2015, Mr Asif Sarwar, the Landlord, confirmed by email that he was the new owner of the House and that works pursuant to the RSEO had been carried out insofar as matters were within his control, which is to state those matters not requiring the co-operation of third parties such as the local authority.
 6. A third re-inspection of the House was carried out by the surveyor member of the Committee on 23 October 2015 and a report with photographs was produced for the Committee on that date demonstrating that requirements (i)-(iv) of the RSEO as listed above had been complied with. Said report is produced as relative hereto.
 7. On 27 October 2015, the surveyor member of the Committee obtained confirmation from the local authority, Dundee City Council that common action was about to be

commenced in order to comply with requirements of (v) and (vi) of the RSEO.

Decision

8. In light of the above, the Committee therefore determined that the works having been completed to their satisfaction, the RSEO was no longer required. It thereafter determined that the RSEO would be revoked in terms of section 25(1)(b) of the 2006 Act.

Right of Appeal

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

Effect of section 63 of the 2006 Act

10. Where such an appeal is made, the effect of the decision and 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.

M O'CARROLL

Chairperson
Private Rented Housing Committee

Date: 3 November 2015