

**Private Rented Housing Committee**

**Statement of the Decision relative to the Notice of the Decision to Revoke  
a Repairing Standard Enforcement Order**

**Ordered by the Private Rented Housing Committee**

**Re: 2 Orchard Flat, Auchtermuchty, Fife KY14 7DL (“the Property”)**

**Title Number: FFE36211**

**The Parties:-**

**TREVOR RUSSELL and FIONA CARLE, formerly residing at 2 Orchard Flat,  
Auchtermuchty, Fife KY14 7DL (“the Tenants”)**

**JOSEPH ANTHONY HERBERT and NADIRA HERBERT residing at  
9 Woodland Lane, Huntington, New York 11743, USA (“the Landlords”)**

**Committee members:-**

**Richard Mill (Chairman), Charles Reid Thomas (Surveyor Member) and  
Elizabeth Dickson (Housing Member)**

*Decision*

The committee unanimously, having made such enquiries for the purposes of determining whether the Repairing Standard Enforcement Order relative to the Property should be revoked in terms of Section 25 of the Housing (Scotland) Act 2006 REVOKES the Repairing Standard Enforcement Order.

*Background*

1. Following an inspection by and Hearing before the committee on 15 July 2014, a Repairing Standard Enforcement Order was issued in the following terms:-

“In particular, the Private Rented Housing Committee require the

Landlords:

1. To eradicate and treat the dry rot affecting the Property being the work specified and more particularly described in the Survey Report by Peter Cox Property Services dated 18 March 2014, a copy of which is annexed to this Order.
2. To instruct a reputable Roofing Contractor to inspect and survey and thereafter complete renovation and overhaul of the single storey roof of the Property in order to make the Property wind and watertight.
3. To instruct a reputable Qualified Electrical Contractor to inspect, survey and thereafter upgrade and replace as necessary the electrical supply in the Property to comply with current electrical regulations.
4. To instruct a reputable Building Contractor to inspect and survey the stonework of the Property and to take any such steps as is necessary to ensure there is no further water ingress to the fabric of the building.
5. To instruct a Specialist Report in respect of the dampness affecting the Property and to instruct any necessary works arising therefrom.
6. To instruct a reputable Contractor to inspect, survey and repair and replace the timber framed windows within the Property so as to ensure that they are in good working order and are capable of being opened, shut and locked.
7. To install within the property a hardwire smoke detector(s) so as to ensure that there is adequate provision for detecting fires and for giving warning in the event of fire or suspected fire and provide evidence from a suitably qualified Electrician confirming that the smoke detector(s) has been tested and found to be satisfactory for the Property. Regard should be had to the Scottish Government's current guidance on satisfactory provision for detecting and warning of fire.
8. To instruct a reputable Contractor to make good and redecorate the rooms affected by the repairs carried out under items 1-7.

The Private Rented Housing Committee requires that the works specified in this Order must be carried out and completed within 4 weeks from the date of service of this Notice. The Committee further requires that upon completion of each of the requirements specified within this Order that the Landlords obtain and exhibit to the Committee

a Written Report from each of the Contractors employed, certifying that the requirements set out in this Order have been compiled with and that the condition of the Property in each respect is satisfactory.”

2. Following upon expiry of the timescales for completion of the works specified within the RSEO the Surveyor Member of the committee, Mr Reid Thomas, re-inspected the property on 23 September 2014.
3. The findings in terms of the said re-inspection on 23 September 2014 disclosed that items 1 and 5 of the Repairing Standard Enforcement Order previously issued had been completed but that no works had been undertaken or completed in respect of items 2, 3, 4, 6, 7, and 8.
4. The committee issued a Direction dated 2 October 2014 seeking clarification as to whether or not the other outstanding works required by Repairing Standard Enforcement Order were to be undertaken and completed by the Landlord. No clarification was obtained from the Landlord thereafter.
5. The committee proceeded to issue a determination relative to the Landlords failure to comply with the Repairing Standard Enforcement Order and issued notice to the Local Authority under Section 26(2) of the Housing (Scotland) Act 2006.
6. In early May 2015 correspondence was received from agents acting on behalf of the Landlord advising that substantial works had been carried out to the property and as such the works required in terms of the Repairing Standard Enforcement Order were now complete and sought revocation of the Repairing Standard Enforcement Order. This request was accompanied by documentation and added to by subsequent correspondence in respect of which there was vouching produced to support the completion of the works.
7. A re-inspection was carried out by the Surveyor Member on 11 June 2015. A copy of the Re-inspection Report has been issued. The re-inspection revealed that the works required in terms of the previously issued Repairing Standard Enforcement Order have been fully completed.
8. The committee have also had the benefit of considering an Electrical Installation Condition Report dated 12 May 2015 based upon an inspection carried out on 1 May 2015. Overall the electrical condition of the property is deemed to be satisfactory though certain improvements are recommended including the upgrading of the consumer unit.
9. The committee, being satisfied in the circumstances as previously set out that the Repairing Standard Enforcement Order was no longer necessary determined that it would be revoked in terms of Section 25(1)(b) of the Housing (Scotland) Act 2006.

*Right of Appeal*

10. 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.
  
11. 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.

**R Mill**

Signed ..... Date 15 June 2015  
Chairman



**NOTICE OF A DECISION TO REVOKE  
A REPAIRING STANDARD ENFORCEMENT ORDER**

**Ordered by the Private Rented Housing Committee**

**Re: Property at 2 Orchard Flat, Auchtermuchty, Fife KY14 7DL (“the Property”)**

**Title Number: FFE36211**

**The Parties:-**

**TREVOR RUSSELL and FIONA CARLE, formerly residing at 2 Orchard Flat, Auchtermuchty, Fife KY14 7DL (“the Tenants”)**

**JOSEPH ANTHONY HERBERT and NADIRA HERBERT residing at 9 Woodland Lane, Huntington, New York 11743, USA (“the Landlords”)**

**Committee members:-**

**Richard Mill (Chairman), Charles Reid Thomas (Surveyor Member) and Elizabeth Dickson (Housing Member)**

**NOTICE TO JOSEPH ANTHONY HERBERT and NADIRA HERBERT  
RESIDING AT 9 WOODLAND LANE, HUNTINGTON, NEW YORK 11743,  
USA (“the Landlords”)**

**The Private Rented Housing Committee having determined that the work required by the previously issued Repairing Standard Enforcement Order relative to the property is no longer necessary, the works specified with the said Order having been completed, 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 Summary Application within 21 days of being notified of that Decision.**

Where such an Appeal is made, the effect of the Revocation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the revocation will be treated as having effect from the date on which the appeal is abandoned or so determined.

**R Mill**

Chairperson of the Committee  
Dated: 15 June 2015