

Ref: PRHP/RP/14/0129



NOTICE OF A DECISION TO REVOKE

A REPAIRING STANDARD ENFORCEMENT ORDER

ORDERED BY THE PRIVATE RENTED HOUSING COMMITTEE

Re: Property at 106 Stenhouse Street, Cowdenbeath, Fife, KY4 9DH, as more particularly described in the Disposition in favour of the Landlord recorded 22 June 2007 in the Land Register under Title Number FFE64473 ("the House")

The Parties:

Steven John Penny, formerly residing at the House ("the Tenant")

and

Mr Chatterpal Singh, 65 Peasehill Gait, Rosyth, Fife, KY11 2BD ("the Landlord")

**Committee: Mr Maurice O'Carroll (Chairperson)
Mr Robert Buchan, FRICS (Surveyor Member)**

NOTICE TO: Mr Chatterpal Singh, Landlord

The Private Rented Housing Committee having determined that the work required by the Repairing Standard Enforcement Order relative to the Property has 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 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: 26 November 2015

M Morton witness:

MURRAY MORTON

Europa House
450 Argyle Street
Glasgow G28LH



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 106 Stenhouse Street, Cowdenbeath, Fife, KY4 9DH as more fully described in the relative Notice ("the House")

Case Ref: PRHP/RP/14/0129

The Parties:-

Application received from Steven John Penny, formerly residing at the House ("the Tenant")

Chatterpal Singh, as designated above ("the Landlord")

Committee: Mr Maurice O'Carroll (Chairperson), Mr Robert Buchan (Surveyor 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. Obtain an expert report from a suitably qualified and certified firm or individual specialising in building works aimed at eliminating damp within residential properties. Said report to detail such works as are necessary to ensure that the House is watertight and in all other respects reasonably fit for human habitation and to follow the recommendations of such a report in full within 28 days of the receipt thereof;

- ii. Install a dehumidifier and at his own expense to ensure heating and ventilation as are necessary to eliminate all dampness within the House;
 - iii. Replace the weather strips and seals at the threshold of the front door as appropriate to ensure that it is draft proof;
 - iv. Repair the vent on the outside wall at the location of the bathroom and replace the two cracked window panes on that wall;
 - v. Obtain an Electrical Safety Certificate covering all installations and appliances within the House and to carry out such works as are necessary to ensure that all such appliances and installations are safe, in accordance with current safety requirements and in proper working order;
 - vi. Install adequate fixed permanent heating in the House to ensure that the kitchen and living area may be adequately heated at a reasonable cost to the tenants there;
 - vii. Repair the insulating jacket on the hot water storage cylinder so that the door to the cylinder housing may be closed properly;
 - viii. Replace the door to the WC and shower area with one that fits the door frame correctly and ensure that the door may close properly;
 - ix. Repair the handle to the living room door so that it may be closed properly;
 - x. Replace the back-up battery in the mains smoke alarm in the living area and ensure that it functions correctly;
 - xi. On completion of the works, obtain an up to date Energy Performance Certificate and to exhibit both the existing and the new certificates to demonstrate the improvement in the energy performance of the house as a result of the works undertaken.
2. The RSEO specified that these works required to be carried out and completed within 28 days of service of the RSEO on 9 June 2015.
 3. A re-inspection of the House was conducted by the surveyor member of the Committee on 11 August 2015 and a report issued on the same date. At that date it was noted that certain of the works specified in the RSEO had been carried out but that further works were necessary before compliance with the RSEO could be confirmed.
 4. On 5 October 2015, a further inspection was conducted by the Committee which revealed that no further works had been carried out since the re-inspection on 11 August 2015. As a consequence, a Failure to Comply Notice was issued to the

Landlord on 7 October 2015 and a Notice to the Local Authority was issued on 16 October 2015. The inspection on 5 October 2015 further revealed that the house had been re-let to a new tenant in breach of section 28(5) of the Act. Notification of the further criminal offence thereby committed was issued to the Police on 7 October 2015.

5. A further re-inspection of the House was carried out by the surveyor member of the Committee on 16 November 2015 and a report with photographs was produced for the Committee on that date demonstrating that requirements (i)-(xi) of the RSEO as listed above had been complied with. Said report is produced as relative hereto.

Decision

6. 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. Matters in relation to the breaches of sections 28(1) and 28(5) of the Act have been left to Police Scotland to progress as it deems fit.

Right of Appeal

7. **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

8. 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: 26 November 2015