



Notice of a Decision to Revoke

A Repairing Standard Enforcement Order

In terms of Section 25 of the Housing (Scotland) Act 2006

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/15/0093

Re : Property at 76 Biggar Road, Cleland ML1 5PL ("the Property")

Land Certificate Number: LAN3907

The Parties:-

Mrs Kelly Rafferty, residing sometime at 76 Biggar Road, Cleland, ML1 5PL ("the Tenant")

James Francis Doherty, care of Concept Property Letting, 1 Montgomery Place, The Village, East Kilbride G74 4BF ("the Landlord")

NOTICE TO MRS KELLY RAFFERTY ("the Tenant")

The Private Rented Housing Committee having determined on 21 September 2015 that the Landlord had carried out the work required by the Repairing Standard Enforcement Order relative to the Property made on 12 August 2015 and served on 4 September 2105, the said Repairing Standard Enforcement Order relative to the Property is hereby revoked with effect from the date of service of this Notice.

A landlord or a 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 day on which the appeal is abandoned or so determined.

IN WITNESS WHEREOF these presents typewritten on this page are executed by George Barrie Clark solicitor, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 21 September 2015 before this witness Valerie Elizabeth Jane Clark, Droman House, 5 School Brae, Lasswade, Midlothian.

V. Clark ess

G. Clark^{Neil} _ chairman



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

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The Parties:-

Mrs Kelly Rafferty, residing sometime at 76 Biggar Road, Cleland, ML1 5PL ("the Tenant")

James Francis Doherty, care of Concept Property Letting, 1 Montgomery Place, The Village, East Kilbride G74 4BF Property ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order in respect of the Property made on 12 August 2015, determined that the Landlord had provided sufficient evidence of having carried out the works required by the Order, that reinspection was not required and that the Order should be revoked in terms of Section 25 of the Housing (Scotland) Act 2006

Background

1. By application dated 6 March 2015, received on 12 March 2015, 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 house is wind and water tight and in all other respects reasonably fit for human habitation,
 - (b) 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,
 - (c) 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
 - (d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order.
3. The Private Rented Housing Committee inspected the Property on the morning of 12 August 2015. The Tenant was not present or represented at the inspection. The Landlord was present during the inspection. The Committee comprised George Clark (chairman), Carol Jones (surveyor member) and Scott Campbell (housing member). Following the

inspection of the Property the Private Rented Housing Committee held a hearing at Wishawhill Community Centre, Learning and Leisure Services, Low Mains Road, Wishaw and heard from the Landlord. The Tenant was neither present nor represented at the hearing.

4. Following the hearing, the Committee made a Repairing Standard Enforcement Order in respect of the Property ("the Order"). The Order required the Landlord, within a period of four weeks from the date of service of the Order:
 - (a) to obtain from a suitably qualified registered electrician and exhibit to the Committee an Electrical Installation Condition Report in respect of the Property. In the event that this report identifies that repair or replacement works are required, the Landlord must carry out those repair or replacement works to ensure that the electrical installation meets the current standards;
 - (b) to instruct a Gas Safe qualified engineer to inspect the central heating boiler to establish that it is in proper working order, to prepare and exhibit to the Committee the engineer's report on its condition and to have any work recommended in that report carried out by a Gas Safe qualified engineer;
 - (c) to replace the missing slab at the front of the Property and to carry out such works to the slabs at the front and rear of the Property as are required to ensure that they do not present a significant tripping or slipping hazard, this work to include removal of vegetation growth on the slabs to front and rear and
 - (d) to replace the two stoppers/plugs in the kitchen sink, in order to ensure that it holds water when filled.
5. On 3 September 2015, the Landlord e-mailed the Committee, advising that the two wastes in the kitchen sink had been completely replaced, the central heating boiler had been serviced, the electrical inspection had been carried out and that there was not a missing slab at the front of the Property, but a small decorative flower bed bounded by a coping stone, which had been removed by the Tenant when she had turned the front garden into a car parking area.
6. On 9 September 2015, the Landlord forwarded to the Committee an e-mail from Crawford & Sons, confirming that they had carried out a service to the central heating boiler and had found no problems with the boiler, radiators or hot water supply.
7. On 14 September 2015, the Landlord forwarded to the Committee part of a Periodic Inspection Report on the electrical installation at the Property from Derek Hutton of DAC Electrics, 13 Laurel Walk, Burnside, Glasgow. The report confirmed that the electrics were in good working order and that a new RDC and an updated circuit breaker had been installed at the Property.
8. On 17 September 2015, the Landlord e-mailed the Committee to advise that the worst of the weeds in the slabs to front and rear had been removed and the remaining vegetation treated with weed killer. Uneven slabs had been levelled and loose decorative edging reinstated.
9. On 18 September 2015, the Landlord e-mailed to the Committee photographs of the slabs at the Property, to confirm what he had stated in his e-mail of the previous day..

Summary of the issues

10. The issues to be determined were whether the Landlord had carried out the works specified in the Order, whether reinspection was necessary to verify that the works had been carried out and whether the Order should now be revoked

Reasons for the decision

- 11. The Committee was satisfied from the information and documentation provided by the Landlord that all the works required by the Order had been completed. The Committee, therefore, decided that it was not necessary to reinspect the Property and that the Order should be revoked.
- 12. The decision of the Committee was unanimous.

Right of Appeal

- 13. **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

- 14. 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 .. **G. Clark** Date 21 September 2015
Chairperson