



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

Ordered by the Private Rented Housing Committee

Re: Property at 441 Calder Road, Edinburgh EH11 4AN ("the Property")

Title Number: MID114589

The Parties:-

MARY SLIGHT, residing at 441 Calder Road, Edinburgh EH11 4AN ("the Tenant")

FIRST RENTED HOUSING GROUP LIMITED, a Company incorporated under the Companies Acts and having its registered office at Valley View, Glebe Estate, Studland, Dorset BH19 3AS ("the Landlord")

Committee members:-

Richard Mill (Chairman) and David Godfrey (Surveyor Member)

**NOTICE TO FIRST RENTED HOUSING GROUP LIMITED ("the
Landlord")**

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.

M. MURRAY

R. MILL

witness

chairman

Margaret Johnstone Murray
21 Stafford Street
Edinburgh
EH3 7BJ

Dated: 4 July 2016

Legal Secretary

Ref PRHP/RP/15/0095



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: 441 Calder Road, Edinburgh EH11 4AN ("the Property")

Title Number: MID114589

The Parties:-

MARY SLIGHT, residing at 441 Calder Road, Edinburgh EH11 4AN ("the Tenant")

FIRST RENTED HOUSING GROUP LIMITED, a Company incorporated under the Companies Acts and having its registered office at Valley View, Glebe Estate, Studland, Dorset BH19 3AS ("the Landlord")

Committee members:-

Richard Mill (Chairman) and David Godfrey (Surveyor 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 and hearing on 12 June 2015, the committee determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 and contemporaneously the committee issued a Repairing Standard Enforcement Order in the following terms, requiring the Landlord:-

- “1. To instruct a reputable contractor to inspect, survey and if necessary repair the chimney stack and pots on the north elevation of the roof of the property.
2. To instruct a reputable contractor to inspect, survey and thereafter complete renovation and overhaul of the gutters and rhones of the property so as to ensure that they are in a reasonable state of repair, in property working order and do not leak.
3. To replace four windows in the property being the east most window in the living room, the window in the west most bedroom, the window in the bathroom and the window in the scullery.
4. To instruct a reputable contractor to inspect, survey and if possible repair and overhaul the remainder of the windows to include ventilation so as to ensure that they are in good working order and wind and watertight; and if repair work is not to be possible nor economical to replace the remainder of the windows in the property.
5. To instruct a reputable contractor to inspect, survey and to improve the ventilation in the property to eradicate the excessive condensation, such steps to include the possible installation of further electrical extractor fans in the kitchen and bathroom, and to repair, replace or create wall vents.

The Private Rented Housing Committee requires that the works specified in this Order must be carried out and completed within 8 weeks from the date of service of this Notice.”

2. The committee subsequently received representations on behalf of the Landlord regarding the apparent difficulties on the part of the Landlord to comply with the Repairing Standard Enforcement Order timeously. Following consideration of the representations the committee varied the Repairing Standard Enforcement Order by allowing a further period to the Landlord to complete the works. The committee did so by way of Decision dated 25 August 2015.

3. The surveyor member of the committee carried out a re-inspection of the Property on 19 October 2015. The re-inspection report arising therefrom was provided to parties. This identified that not all of the works had been completed. Following submissions from the parties the committee determined that the Landlord had failed to comply with the Repairing Standard Enforcement Order. By way of Decisions dated 16 November 2015 the committee issued a Failure to Comply Determination and a corresponding Rent Relief Order reducing the rent payable under the tenancy for the house by an amount of 25%.
4. Following further information from parties a further re-inspection was carried out by the surveyor member of the committee on 10 March 2016. The re-inspection report which was subsequently issued to parties identified that the majority of the works required to be completed in terms of the Repairing Standard Enforcement Order had been undertaken satisfactorily but there remained two outstanding issues:--
 1. Although the rainwater fittings had been substantially overhauled/replaced there appeared to be a number of small leaks, particularly at joints in the rhones.
 2. The Landlord had yet to instruct a reputable contractor to inspect or survey the Property so far as the ventilation was concerned. Electrical extractor fans had not been installed in the kitchen and bathroom. Further evidence of condensation was found in the lounge.
5. Following further representations from the parties the committee issued a Direction dated 27 April 2016 requesting further clarification from the Landlord as to what further steps were to be taken in respect of the outstanding issues and requiring the Tenant to confirm whether or not the vents which had been newly fitted had eradicated or improved the condensation issues complained of. A further re-inspection and a hearing was assigned to take place on 13 June 2016.

Additional documentation submitted on behalf of the Landlord

6. Representations were received from the Landlord's solicitor dated 9 June 2016 in advance of the re-inspection and hearing. This confirmed that Scotia Property Services Limited had been instructed to inspect the ventilation of the Property. A report from Scotia (in particular David Paton, Director) was produced. The opinion of Mr Paton who has experience and expertise on causes of condensation is that the Property has sufficient ventilation and allowance for air circulation. The newly fitted uPVC windows throughout are each fitted with large trickle vents. In each of the bedrooms there is a large "through wall vent". There is a large extractor fan in the pantry of the kitchen. The separating wall between the pantry and the kitchen also has a large "through wall vent". There are now also a further two extractor fans fitted in

the Property. There is also an additional extractor fan in the kitchen and also the bathroom.

7. Submissions were made to the effect that the lounge wall with a small area of damp which had been seen at the time of the re-inspection on 10 March 2016 had been treated and re-decorated.

Inspection/Hearing - 13 June 2016

8. The committee members attended the Property at 8.45 am on 13 June 2016. The Tenant was personally present and invited the committee members into the Property and directed them around. Her daughter was also in the Property. Also present was Mr Scott Muir of Murray & Currie (the Landlords' agents) and Antonia Grieve of HBJ Gateley (the Landlord's solicitor).
9. The Tenant advised that she was satisfied that all of the necessary works had been completed. There was however one outstanding problem. This related to the re-decoration work carried out in the living room of the Property. Re-decoration works had been required as a consequence of the damp treatment works. A decorator had attended on 2 June 2016 and new wallpaper had been applied to the living room walls. The adhesion process had clearly not worked and the wallpaper had significantly parted company from the walls.
10. The committee otherwise noted that all vents and mechanical extractors anticipated to have been installed had been. There are now mechanical vents in the bathroom, pantry and kitchen.
11. It was raining on the day of the inspection. No leaks were noted from the rhones. The committee were advised that further remedial work had been undertaken to them since the last inspection.
12. It was agreed between the parties that the outstanding matter related to the re-decoration of the living room of the Property. The Landlord's letting agent made enquiries regarding the re-instruction of the work. An undertaking was given to the effect that further work would be carried out within the next couple of days.
13. The committee decided to continue consideration of the revocation of the Repairing Standard Enforcement Order to enable the further re-decoration work to be carried out and to allow further representations from the parties. It was made clear that subject to the works being completed to the satisfaction of the Tenant, then the committee would be content to revoke the Repairing Standard Enforcement Order without further inspection or hearing unless, of course, the parties sought such a process. The committee thereafter issued a Direction to regulate the further process.

Further submissions received from the parties

14. i. Submissions from the Tenant

An email was received from the Tenant on 29 June 2016 advising that the re-decoration works within the living room of the Property had been completed on 28 June 2016 to her satisfaction.

ii. Submissions from the Landlord

An email was received from the Landlord's agent on 27 June 2016 confirming that the living room walls had been striped and re-papered and that the completion of the work involving re-painting would be carried out on 28 June 2016.

Decision

15. The committee, being satisfied in the circumstances 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. The Rent Relief Order is also revoked herewith.

Right of Appeal

16. 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 of the Act

17. Where such an appeal is made, the effect of the decision and of any order made, 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 date on which the appeal is abandoned or so determined.

M. MURRAY

R. MILL^A

witness

chairman

Margaret Johnstone Murray
21 Stafford Street
Edinburgh EH3 7BJ

Date: 4 July 2016

Legal Secretary



PRHP Re-inspection report

Property: 441 Calder Road, Edinburgh, EH11 4AN



Ref no: PRHP/RP/15/0095

Surveyor: David Godfrey, accompanied by Richard Mill (Chairman)

Inspection: The property was inspected at 8.45 am Monday 13th June 2016.

Access: The tenant, Mrs Mary Slight was present and provided access to the property. Mrs Slight was also accompanied by her daughter Paula.

The landlord, Mr Richard Burgess of First Rented Housing Group was not present but was represented by Mr Scott Muir of Murray and Currie and Antonia Grieve of HBJ Gateley.

Repairing Standard Enforcement Order: *The Private Rented Housing Committee now requires the Landlord to carry out such work as is necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by the carrying out of any work in terms of this Order is made good.*

In particular, the Private Rented Housing Committee requires the Landlord:

1. *To instruct a reputable contractor to inspect, survey and if necessary repair the chimney stack and pots on the north elevation of the roof of the property.*

2. *To instruct a reputable contractor to inspect, survey and thereafter complete renovation and overhaul of the gutters and rhones of the property so as to ensure that they are in a reasonable state of repair, in property working order and do not leak.*
3. *To replace four windows in the property being the east most window in the living room, the window in the west most bedroom, the window in the bathroom and the window in the scullery.*
4. *To instruct a reputable contractor to inspect, survey and if possible repair and overhaul the remainder of the windows to include ventilation so as to ensure that they are in good working order and wind and watertight; and if repair work is not to be possible nor economical to replace the remainder of the windows in the property.*
5. *To instruct a reputable contractor to inspect, survey and to improve the ventilation in the property to eradicate the excessive condensation, such steps to include the possible installation of further electrical extractor fans in the kitchen and bathroom, and to repair, replace or create wall vents.*

The Private Rented Housing Committee requires that the works specified in this Order must be carried out and completed within 8 weeks from the date of service of this Notice.

General Remarks: This report should be read in conjunction with the previous re-inspection reports dated 19th October 2015 and 10th March 2016.

Works in RSEO completed since original inspection:

1. The chimney stack and pots on the north elevation of the roof of the property have been repaired.
2. The rainwater fittings to the front of the building have been replaced and the fittings to the rear overhauled.
3. The windows throughout the property have been replaced.
4. The original wall vents in both Bedrooms have been reinstated and a passive vent has been installed between the Kitchen and Larder. Mechanical extractor fans have been installed in both the Kitchen and Bathroom.
5. The mould which was present at the time of the 2nd re-inspection has been treated.

Works in RSEO outstanding following re-inspection:

1. The Lounge decoration is incomplete and requires further attention.



Damage to decoration below Lounge window



Damage to Lounge decoration

David Godfrey, MRICS

13th June 2016