



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re 285C Rosemount Place, Aberdeen, AB25 2YB being the subjects described in the Disposition by the executor of Graham Murdoch Calder in favour of Alexander James MacPherson and Ruth Isobel MacPherson recorded in the division of the General Register of Sasines for the County of Aberdeen on 5th July 1995 ('the Property')

The Parties:-

Ms Susan Hay residing formerly at 285C Rosemount Place, Aberdeen, AB25 2YB and now at 14C Short Loanings, Aberdeen, AB25 2TZ ('The Tenant')

Alexander MacPherson and Mrs Ruth MacPherson residing at Manse of Buchanan, Drymen, Glasgow, G63 0AQ ('The Landlords')

REF:PRHP/RP/15/0168

The Committee members were Jacqui Taylor (Chairperson) and Ian Mowatt (Surveyor Member).

NOTICE TO The Landlords

The Private Rented Housing Committee having determined that The **Repairing Standard Enforcement Order** relative to the property should be varied HEREBY vary the outstanding Repairing Standard Enforcement Order to the effect that the following requirements are revoked:

- (1) Replace the missing carpets or flooring in the kitchen and bathroom.
- (2) Repair or replace the cooker and washing machine.
- (3) Reinstate all broken and/ or loose kitchen unit doors and drawers to render the kitchen units in proper working order.
- (4) Provide a valid Gas Safety Certificate.
- (5) Provide a valid Electrical Installation Condition Report and a valid electrical PIR certificate confirming that the electrical installations in the Property (including the repaired or replaced cooker and washing machine) are in proper working order.

Consequently the Repairing Standard Enforcement Order has been completely revoked.

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.

In Witness whereof these presents are executed by Jacqui Taylor, Solicitor, chairperson of the Private Rented Housing Committee at Irvine on 10th March 2016 before the undernoted witness:

J Taylor

Signed.....

Chairperson
K Byrne

.....Date 10th March 2016

... Witness

 Keirsten Byrne

Paralegal

65 High Street, Irvine, KA12 0AL



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

Statement of Decision of the Private Rented Housing Committee under section 25(1) of the Housing (Scotland) Act 2006

Re 285C Rosemount Place, Aberdeen, AB25 2YB being the subjects described in the Disposition by the executor of Graham Murdoch Calder in favour of Alexander James MacPherson and Ruth Isobel MacPherson recorded in the division of the General Register of Sasines for the County of Aberdeen on 5th July 1995 ('the Property')

The Parties:-

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REF:PRHP/RP/15/0168

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Background

1. On 8th October 2015 the Private Rented Housing Committee ('the Committee') issued a Determination which stated that the Landlords had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act"). On the same date the Committee issued a Repairing Standard Enforcement Order ('RSEO') in respect of the Property.
2. The RSEO made by the Committee required the Landlords to:-
 - (1) Replace the missing carpets or flooring in the kitchen and bathroom.
 - (2) Repair or replace the cooker and washing machine.
 - (3) Reinstate all broken and/ or loose kitchen unit doors and drawers to render the kitchen units in proper working order.
 - (4) Provide a valid Gas Safety Certificate.
 - (5) Provide a valid Electrical Installation Condition Report and a valid electrical PIR certificate confirming that the electrical installations in the Property (including the repaired or replaced cooker and washing machine) are in proper working order.
3. The Private Rented Housing Committee ordered that the works specified in the RSEO were to be carried out and completed by 27th November 2015, this date was subsequently extended to 18th December 2015.
4. On 13th January 2016 the surveyor member of the Committee attended at the Property for the purpose of ascertaining whether the said repairs required by the RSEO had been completed. He found that items (1) to (4) inclusive of the RSEO had been complied with. However item (5) of the RSEO had not been complied with.

The Photographs were taken during the re-inspection and are attached as a Schedule to the surveyor member's report, a copy of which is attached hereto.

The Tenant had previously vacated the Property and accordingly the Landlords only were sent a copy of the report. They replied by letter dated 17th February 2016 which stated:

'I would like to appeal against the decision that there has been a failure to comply with the RSEO. I know that Home Guard Leasing have completed all the work and I enclose the relevant invoice.'

The Landlords also produced an Electrical Installation Condition Report prepared by Electro-Tek dated 8th January 2016 which confirmed that the electrical installation was in good working condition but contained the following observations:

1. Main water bond is only 4mm square.
2. Hob and oven are not fused down.
3. Loose cables are not fixed down in bathroom cupboard.
4. Double socket above hob.
5. No visual supplementary bonding.'

Thereafter the Landlords produced a receipt from Electro-Tek confirming that the matters detailed in the said observations had been completed on 9th February 2016.

Decision and Reasons

5. The Committee having made such enquiries as is fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order, in relation to the Property concerned, determined that the Landlords had complied with items (1) to (4) inclusive of the RSEO. In connection with item (5) of the RSEO, in view of the terms of the said receipt provided from Electro-Tek dated 9th February 2016 they no longer required a refreshed Electrical Installation Condition Report. In the circumstances the Committee determined that the RSEO was revoked.

Right of Appeal

6. **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

7. 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.

J Taylor

Signed
Chairperson



Date: 10th March 2016



10/3/16
J Taylor

PRHP Re-inspection Report

Property **285C Rosemount Place, Aberdeen AB25 2YB**

Ref no: **PRHP/RP/15/0168**

Surveyor : **Mr Ian Mowatt**

Access: The property was re-inspected on 13th January 2016 at 11.00 am. Access was given by the landlord's recently appointed agent, Ms Wendy Deans of Homeguard Leasing Limited. No other parties were present. The flat is currently unoccupied and the previous tenancy has been terminated.

The weather conditions were dry and bright.

RSEO: (1) Replace the missing carpets or flooring in the kitchen and bathroom.

(2) Repair or replace the cooker and washing machine.

(3) Reinstate all broken and or loose kitchen unit doors and drawers to render the kitchen units in proper working order.

(4) Provide a valid Gas Safety Certificate.

(5) Provide a valid Electrical Installation Condition Report and a valid PIR certificate confirming that the electrical installations in the property (including the repaired or replaced cooker and washing machine) are in proper working order.

Works in RSEO undertaken:

(1) New replacement vinyl flooring has been provided in the kitchen and bathroom.

(2) The original cooker and washing machine have been replaced with what appear to be new appliances. The committee surveyor member turned on the mains power to confirm connection of the appliances but no further testing was carried out.

(3) There is a replacement newly fitted kitchen within the property and the installation of the kitchen fittings appears to have been completed and in proper working order.

(4) A Domestic/Landlord Gas Safety Record, which was prepared by Kelgas UK Limited Gas Safe registered engineers, dated 14th December 2015 was made available for inspection by the surveyor member of the committee.

(5) An Electrical Installation Condition Report dated 8th January 2016, was made available to the surveyor member of the committee. This was prepared by Electro-Tek, members of Select, Electrical Contractors' Association of Scotland. Although the general condition of the installation, in terms of electrical safety, is described in summary as being "in good working condition" it is noted within the report that there are "potentially dangerous" (Code C2) conditions present with "urgent remedial action required". This has resulted in the electrician's overall assessment of the installation, in terms of its suitability for continued use, being stated in the report as "unsatisfactory".

Works in RSEO outstanding:

As referred to above in item (5) of Works in RSEO Undertaken, there are outstanding electrical works, within the Electrical Installation Condition Report, which are deemed to be potentially dangerous and requiring urgent remedial action in order to ensure safety.

Further Comments:

Since the previous Private Rented Housing Panel inspection, dated 29th September 2015, it has been noted that general upgrading of the flat has been carried out.

Photographs, which were taken during the re-inspection, are contained within the attached Schedule.

This report will be submitted to the full Committee of the Private Rented Housing Panel for their decision.

Ian Mowatt BSc FRICS
Committee Surveyor Member
Private Rented Housing Panel
21st January 2016



1: Replacement kitchen floor covering



2: Replacement bathroom floor covering



3: Replacement cooker



4: Replacement washing machine



5: Replacement kitchen fittings