



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

Ordered by the Private Rented Housing Committee

Re: Property at Flat 6, 15 Restalrig Drive, Edinburgh EH7 6JX (“the Property”)

Title Number: MID151870

The Parties:-

MR WESTLEY MURRAY, residing at Flat 6, 15 Restalrig Drive, Edinburgh EH7 6JX (“the Tenant”) [Now Vacated]

MS MAGDALENA AGATA RAMATOWSKA, residing at 27/10 Blair Street, Edinburgh EH1 1QR (“the Landlord”)

Committee members:-

Richard Mill (Chairman) and Charles Reid Thomas (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 dated 5 May 2016 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. Reference is made to the Committee’s Statement of Decision under Section 26(1) of the Housing (Scotland) Act 2006 issued herewith.

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.

MARGARET J. MURRAY

RICHARD MILL

witness

chairman

Margaret Johnstone Murray
21 Stafford Street
Edinburgh
EH3 7BJ

Dated: 29 September 2016

Legal Secretary



**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006 IN
RELATION TO THE LANDLORD'S COMPLIANCE**

In connection with

**Property at Flat 6, 15 Restalrig Drive, Edinburgh EH7 6JX
(hereinafter referred to as "the house")**

**MR WESTLEY MURRAY, residing at Flat 6, 15 Restalrig Drive, Edinburgh
EH7 6JX ("the Tenant") [Now Vacated]**

**MS MAGDALENA AGATA RAMATOWSKA, residing at 27/10 Blair Street,
Edinburgh EH1 1QR ("the Landlord")**

Reference PRHP/RP/16/0054

**Committee - Richard Mill (Chairman) and Charles Reid Thomas (Surveyor
Member)**

Title Number: MID151870

BACKGROUND

1. Reference is made to the Determination of the Private Rented Housing Committee ("the Committee") dated 5 May 2016, which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act ("the Act"), and to the Repairing Standard Enforcement Order ("the RSEO") dated 5 May 2016 confirming that the Landlord had failed to ensure the property meets the repairing standard in respect of Sections 13(1)(a), (d), (f) and (g) of the Act.

2. The terms of the Repairing Standard Enforcement Order made by the committee was:-

- “1. Produce an up-to-date Gas Safety Certificate in respect of all gas appliances within the Property.
2. Remove or replace the gas fire in the living room.
3. Install a carbon monoxide detector within the Property.

4. Install smoke alarms within the Property to the standard currently recommended by the Scottish Government. There should be, at least, one functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes, one functioning smoke alarm in every circulation space such as hallways and landings, one heat alarm in every kitchen and all alarms should be interlinked.
5. Fit a new double glazed window unit in the front bedroom.
6. Replace the broken pane of glass in the rear bedroom window and install a window lock.
7. Re-plaster and re-decorate the kitchen walls.

The Private Rented Housing Committee requires that the works specified in this Order must be carried out and completed within 6 weeks from the date of service of this Notice."

3. Following expiry of the 6 week period afforded to the Landlord to carry out the work specified within the Repairing Standard Enforcement Order, she made a request for an extension of the time period allowed to carry out the works. It was established that some of the works had been commenced. In particular the Tenant confirmed that smoke alarms had been installed. The Landlord at that time advised that they were abroad for a brief period. She reported that she had every intention of completing the works. She made reference to some difficulties encountered in relation to access. The committee considered matters and issued a Notice of Variation extending the period allowed for completion of the work and extended the period until 10 July 2016.

INSPECTION – 19 JULY 2016

4. The committee fixed a re-inspection of the Property to take place on 19 July 2016 at 10.00 am with a hearing at 11.30 am in George House, Room D8, 126 George Street, Edinburgh EH2 4HH. This was to enable the committee to determine whether or not the Landlord had failed to comply with the Repairing Standard Enforcement Order.

5. The committee's inspection on 19 May 2016 revealed:-

- i. A Gas Safety inspection was carried out on 30 June 2016 and a copy left with the Tenant.
- ii. The bedroom windows to both the front and rear of the Property had been replaced.
- iii. A battery operated smoke detector had been installed in the hallway.
- iv. Only one battery operated smoke detector had been installed. The RSEO makes it clear that installations for the detection of fires requires to be undertaken in accordance with Scottish Government guidelines. This had not happened.

- v. No carbon monoxide detector had been installed.
- vi. The gas fire appliance in the living room had not been removed or replaced.
- vii. The kitchen walls had not been re-plastered nor re-decorated.

The Landlord had been invited to the re-inspection but did not attend.

The Tenant confirmed that at the inspection that he would not attend the Hearing. The Landlord had been invited but did not attend.

HEARING – 19 MAY 2016

6. The Tenant did not appear as previously explained by him. The Landlord did not attend.

FURTHER PROCEDURE

7. The Re-inspection Report was intimated to parties. The Landlord subsequently made representations that she was unaware of the Inspection and Hearing. The Landlord sought an opportunity to address the committee upon her compliance with the Repairing Standard Enforcement Order. In the circumstances the committee assigned a fresh Inspection and Hearing to take place on 28 September 2106.

8. The Committee were subsequently advised that the tenancy had been brought to an end and the Tenant had vacated the Property.

INSPECTION – 28 SEPTEMBER 2016

9. The Committee attended the Property at 1.30 pm on 28 September 2016. The Committee were invited into the Property by the Landlord. Renovation works were actively ongoing. The Committee noted however that all of the works necessary in terms of the Repairing Standard Enforcement Order had, in fact, been undertaken. Substantial renovation works had been carried out, including the installation of a new kitchen and re-plastering of all relevant walls. The gas fire in the living room had been removed and the wall plastered. The house had been installed with hardwired linked smoke alarms with a heat alarm, and carbon monoxide alarm in the kitchen. Reference is made to the Annexed Schedule of Photographs and Re-inspection Report.

The Landlord advised that she was unable to attend the Hearing later in the afternoon on 28 September 2106. She was working.

HEARING – 28 SEPTEMBER 2016

9. The Committee convened a hearing at Room D8, George House, 126 George Street, Edinburgh EH2 4HH at 2.30 pm on 28 September 2016. No one attended the Hearing.

DETERMINATION AND REASONS

Reference is made in particular to the findings of the Committee at the inspection carried out on 28 September 2016. All of the works required in terms of the Repairing Standard Enforcement Order previously issued had been undertaken.

In the circumstances the Committee determined that the Repairing Standard Enforcement Order was no longer necessary and, in terms of Section 26(1) of the Act determined that the Landlord had complied with the Repairing Standard Enforcement Order. In the circumstances the Committee determined that it is appropriate to revoke the Repairing Standard Enforcement Order.

RIGHT OF APPEAL

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.

The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the Private Rented Housing Panel or the Committee which made the decision.

Effect of Section 63

Whereas 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 28 days from the day on which the appeal is abandoned or so determined.

In witness whereof these presents typewritten on this and the preceding page(s) are executed by Richard Mill, Solicitor, chairperson of the Private Rented Housing Committee at Edinburgh on the Twenty-ninth day of September Two Thousand and Sixteen before this witness:-

MARGARET J. MURRAY

witness



chairman

Margaret Johnstone Murray
21 Stafford Street
Edinburgh
EH3 7BJ

Legal Secretary



PRHP Re-inspection report

by

**Richard Mill (Chairman), Charles Reid Thomas (Surveyor
Member)**

Property: Flat 6, 15 Restalrig Drive, Edinburgh EH7 6JX

Ref no: PRHP/RP/16/0054

Access: 1pm, 28th September 2106 July 2016, attended by Ms
Magdala Ramatowska (Landlady).

RSEO: Works required by RSEO

1. Produce an up-to-date Gas Safety Certificate in respect of all gas appliances within the Property.
2. Remove or replace the gas fire in the living room.
3. Install a carbon monoxide detector within the Property.
4. Install smoke alarms within the Property to the standard currently recommended by the Scottish Government. There should be, at least, one functioning smoke alarm in the room which is frequently used by the occupants for general daytime living purposes, one functioning smoke alarm in every circulation space such as hallways and landings, one heat alarm in every kitchen and all alarms should be interlinked.
5. Fit a new double glazed window unit in the front bedroom.
6. Replace the broken pane of glass in the rear bedroom window and install a window lock.
7. Re-plaster and re-decorate the kitchen walls.

Works in RSEO undertaken:

1. A Gas Safety inspection was carried out on 30 June 2016 and a copy left with the Tenant.
2. Redundant gas fire has been removed, wall made good and decorated.
3. Carbon Monoxide detector fitted in kitchen.
4. Hard wired interlinked smoke alarms fitted in living room and hallway. Hard wired interlinked heat sensor fitted in kitchen.
- 5/6 New double glazed window fitted in bedrooms, broken panes replaced.
7. Kitchen has been re-plastered and decorated.

Works in RSEO outstanding:

None

Photographic Record of: 15/6 (2nd floor, right) Restalrig Drive, Edinburgh, EH7
6JX
Re-Inspection 28/9/16



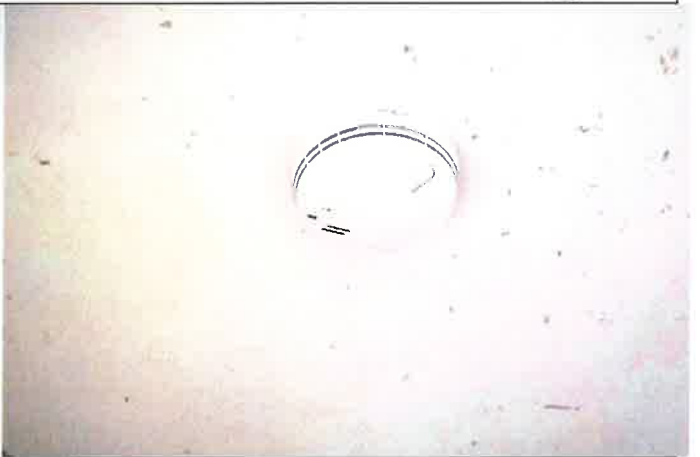
15/6 Restalrig Drive



Hard Wired Smoke Sensor installed in living room



Hardwired heat and CO Sensor installed in kitchen



Hard Wired Smoke Sensor installed in hallway



Rear bedroom window replaced and made good.



Front bedroom window repaired and made good.



Kitchen. Walls re plastered and decorated.



Living Room. Redundant fireplace removed and opening made good.



Kitchen. Walls re plastered and decorated.
Redundant vents made good.

To confirm the validity of the gas operative please contact GAS SAFE™ on 0800 408 5500 or www.GasSafeRegister.co.uk

LANDLORD/HOME OWNERS GAS SAFETY RECORD

No. 00637

Reg. No. 573658

The information recorded on this form does not confirm that the installation was installed by a Registered Installer or that the installation complies with any relevant Building Regulations. Flues were inspected visually and checked for satisfactory evacuation of products of combustion. A detailed internal inspection of the flue integrity, construction and lining has not been carried out.

<p>GAS SAFE Reg. No. 573658</p> <p>Gas Operative <u>Ross Gordon</u> (Print name)</p> <p>Gas Safe ID card serial No. <u>371 8409</u></p> <p>Company: Arc (Edin) Ltd</p> <p>Address: Bonnington Bond, 2 Anderson Place, Edinburgh</p> <p>Postcode: EH6 5NP Tel No. 0131 516 3708</p>	<p>Job Address</p> <p>Name (Mr/Mrs/Miss/Ms) _____</p> <p>Address <u>1516 Restalrig Drive</u></p> <p>Postcode _____</p> <p>Tel No. _____</p>	<p>Client / Landlord's Details (if different)</p> <p>Name (Mr/Mrs/Miss/Ms) <u>Angela Robertson</u></p> <p>Address _____</p> <p>Postcode _____ Tel No. _____</p> <p>Rented accommodation <input type="checkbox"/> Yes / No <input checked="" type="checkbox"/> No, of appliances tested <u>1</u></p>
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APPLIANCE DETAILS						
Location	Appliance Type	Make	Model	Landlord's appliance Yes / No / NA	Appliance Inspected Yes / No	Flue Type CF / RS / FL
1 <u>Kitchen</u>	<u>Boiler</u>	<u>Worcester</u>	<u>Green Star 245 Turb</u>	<u>yes</u>	<u>yes</u>	<u>RS</u>
2						
3						

INSPECTION DETAILS								
Operating pressure in mbars or heat input kW/h or Btu/h	Initial combustion analyser reading (if applicable)	Final combustion analyser reading (if applicable)	Safety device(s) correct operation Yes / No / NA	Ventilation provision satisfactory Yes / No	Visual condition of flue and termination satisfactory Yes/No/NA	Flue performance checks Pass / Fail / NA	Appliance serviced Yes / No	Appliance safe to use Yes / No
1 <u>13 mbars</u>	<u>0.0007</u>	<u>0.0007</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>pass</u>	<u>no</u>	<u>yes</u>
2								
3								

DEFECT(S) IDENTIFIED	If Warning/Advice Notice *
1 <u>no bonding on pipe work at boiler</u>	<u>N/A</u>
2 <u>boiler wired on to plug top</u>	<u>N/A</u>
3	

REMEDIAL ACTION TAKEN	Client / Tenant
1 <u>advised on 9/16</u>	
2	

Details of work carried out (e.g. Landlord's gas safety record, Service etc.)

Gas installation pipework satisfactory visual inspection YES / NO

Emergency Control Valve accessible YES / NO

Satisfactory gas tightness test YES / NO / NA

Equipotential bonding satisfactory YES / NO

Safety record issued by Ross Gordon

Print Name: Ross Gordon

Received by _____ Client / Tenant

Date appliance(s) / flue(s) checked 20/06/16

Gas Safety Certificate – June 2016