



Notice of a decision to Revoke

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: Prhp/G1/54/11

Re : Property at Flat 1/5, 145 Albion Street, Herald Building, Glasgow G1 1QT
("the Property")

Title No: GLA195793

The Parties:-

Miss Michelle McGurn, Flat 1/5, 145 Albion Street, Herald Building, Glasgow G1 1QT ("The Tenant")

Front Door Investments Limited (also known as F D Investments Ltd) (in administration), c/o J.B. Cartwright and G.D. Frost, joint administrators, PricewaterhouseCoopers, L.L.P., Erskine House, 68 – 73 Queen Street, Edinburgh EH2 4NH (represented by their agents D.J. Alexander, 49A Bath Street, Glasgow G2 2DL) ("the Landlord")

NOTICE TO the Tenant and Landlord

The Private Rented Housing Committee having determined on 5th December 2011 that the work required by the **Repairing Standard Enforcement Order** relative to the Property dated 21st July 2010 is no longer necessary, the said **Repairing Standard Enforcement Order** 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 and the preceding page are executed by David Bartos, Advocate, Parliament House, Parliament Square, Edinburgh EH1 1RF, chairperson of the Private Rented Housing Committee at Edinburgh on 7th December 2011 before this witness:-

G Grant

witness

D Bartos

chairman

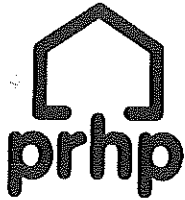
GILLIAN ANNE GRANT name in full

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**Decision of Private Rented Housing Committee
under Section 25 (1) of the Housing (Scotland) Act 2006**

Statement of Reasons for Decision of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Section 25(1) of the Housing (Scotland) Act 2006

Case Reference Number: **Prhp/G1/54/11**

**Re : Property at Flat 1/5, 145 Albion Street, Herald Building, Glasgow G1 1QT
("the Property")**

Title No: GLA195793

The Parties:-

**Miss Michelle McGurn, Flat 1/5, 145 Albion Street, Herald Building, Glasgow G1 1QT
("The Tenant")**

**Front Door Investments Limited (also known as F D Investments Ltd) (in
administration), c/o J.B. Cartwright and G.D. Frost, joint administrators,
PricewaterhouseCoopers, L.L.P., Erskine House, 68 – 73 Queen Street, Edinburgh EH2 4NH
(represented by their agents D.J. Alexander, 49A Bath Street, Glasgow G2 2DL) ("the
Landlord")**

The Committee comprised:-

Mr David Bartos	- Chairperson
Mr Michael Links	- Surveyor member
Mrs Susan Brown	- Housing member

Decision

The Committee revoked the Repairing Standard Enforcement Order dated 21 July 2011 in respect of the Landlord and the Property.

Background:-

1. On or about 11 November 2011 the Committee's surveyor member carried out a re-inspection of the works required by the Repairing Standard Enforcement Order ("RSEO") dated 21 July 2011 and issued by the Committee in respect of the Property. The Tenant was present during the inspection. There was no appearance on behalf of the Landlord.
2. The report prepared by the surveyor member indicated that the RSEO had been complied with albeit that the replacement bed was not a divan bed.

The Tenant was present at re-inspection and had no objection to the fact that the bed was not a divan bed. At the inspection the tenant complained that the mattress was too soft.

3. Following the inspection a copy of the report was sent to both the Tenant and the Landlord. Both parties indicated through written responses to the the Committee received on 1st and 5th December that they agreed with the findings of the report. No complaint was made that the works in the RSEO were incomplete. Neither party requested a hearing.
4. The evidence before the Committee consisted of:-
 - The PRHP Re-inspection report for the Property and accompanying photographs
 - Written response to report from the Tenant dated 27 November 2011
 - Written response to report from the Landlord's agent dated 30 November 2011

Findings of Fact

5. Having considered all the evidence, the Committee found the following facts to be established:-

The RSEO dated 21 July 2011 was served on the Landlord on 25 July 2011. As at 10th November 2011 the works sought in the RSEO had been carried out as stated in the Re-inspection Report. The bed was not a divan bed.

Reasons for Decision

6. In determining whether to revoke the RSEO the Committee took the view that the works sought had in substance been carried out. The fact that the bed was not a divan bed was *de minimis* and the Tenant made no complaint about that matter. The new mattress was capable of being used safely for the its purpose and did not fall below the repairing standard in section 13 (1) (e) of the 2006 Act. In any event the Tenant did not persist with her complaint at the re-inspection. For these reasons the Committee took the view that the works in the RSEO were no longer necessary.

Decision

7. In the exercise of its discretion the Committee proceeded to revoke the RSEO as stated above. The decision of the Committee was unanimous.

Rights of Appeal

8. A landlord or tenant aggrieved by this decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

- 9. Unless the lease or tenancy between the parties has been brought to an end, the appropriate respondent in such appeal proceedings is the other party to the proceedings and not the Private Rented Housing Panel whose Committee which made the decision.

Effects of Section 63 of the 2006 Act

- 10. Where such an appeal is made, the effect of this decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.
- 11. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

D Bartos

Signed Date: 7 December 2011.....

David Bartos, Chairperson

Signature of Witness **G Grant** Date 7th December 2011

Name, address and occupation of the witness (please print):-

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