



PRIVATE RENTED HOUSING COMMITTEE

MINUTE OF REVOCATION BY THE PRIVATE RENTED HOUSING COMMITTEE UNDER SECTION 25 OF THE HOUSING (SCOTLAND) ACT 2006 RULE 26 OF THE PRIVATE RENTED HOUSING PANEL (APPLICATIONS AND DETERMINATIONS)(SCOTLAND) REGULATIONS 2007

In connection with

PROPERTY:

**The Point Cottage, Balmaha, Glasgow G63 0JQ registered in the Land Register
for Scotland title number STG65309 ("the Property")**

PARTIES

**Mr James Farrell and Mrs Nancy Farrell, residing at the property. ("the
Tenants")**

**(Note: the tenants having removed from the property on 8 March 2013
following the issue of the RSEO, they are no longer parties to the application)**

and

**Ms Hayley MacFarlane residing at 24 (1/3) Thornwood Avenue, Glasgow G11
7TW ("the Landlord")**

PRHP Reference: PRHP/G63/99/12

Decision

**The Committee, having made such enquiries as are fit for the purposes of
determining whether the Landlord has complied with the RSEO made by the
Committee on 10 October 2012, and taking account of the representations of
the Landlord, determined that the work required by the RSEO is no longer
necessary and accordingly revokes and discharges the RSEO in terms of
section 25 of the Housing (Scotland) Act 2006 (hereinafter referred to as "the
Act").**

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.

Effect of section 63

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: IN WITNESS WHEREOF these presents typewritten on this and the preceding page are subscribed as follows:

D Preston

Chairman

...Witness

28 Nov 2016.....Date of Signing

KATY SINCLAR.....Name

Oban.....Place of Signing

22 ARGYLL.....Address
SQUARE, OBAN.....

PA34 4AT.....
.....
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PRIVATE RENTED HOUSING COMMITTEE

STATEMENT OF REASONS FOR MINUTE OF REVOCATION BY THE PRIVATE RENTED HOUSING COMMITTEE UNDER SECTION 25 OF THE HOUSING (SCOTLAND) ACT 2006 RULE 26 OF THE PRIVATE RENTED HOUSING PANEL (APPLICATIONS AND DETERMINATIONS)(SCOTLAND) REGULATIONS 2007

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determining whether the Landlord has complied with the RSEO made by the
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necessary and accordingly revokes and discharges the RSEO in terms of
section 25 of the Housing (Scotland) Act 2006 (hereinafter referred to as "the
Act").**

Background

1. Reference is made to the Decision of the Committee dated 10 October 2012 which decided that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act"), and to the RSEO issued by the Committee which required the Landlord to carry out works as specified therein. The said works were to be carried out and completed within 20 weeks from the date of service of the RSEO, which was effected on 11 October 2012
2. Following the expiry of the period within which the landlord had been required to complete the work, the surveyor member of the Committee carried out a re-inspection on 7 March 2013 and produced a re-inspection report dated 11 March 2013 which stated that none of the works had been carried out. The Tenants were present during the re-inspection. The Landlord was not present or represented.
3. During the re-inspection, the surveyor member was advised by the Tenants that they were removing from the property on the following day (8 March 2013) as they had obtained alternative accommodation. She observed that at the time of the re-inspection they were packing their belongings. The Committee understands that the Tenant did so remove and this was confirmed in the Landlords letter dated 4 April 2013.
4. The fact that the tenant had removed from the property after the RSEO had been put in place did not in itself enable the Committee to revoke or discharge the RSEO. The Committee has an obligation in terms of the Act to ensure that any property to which an application is made complies with the repairing standard as defined in the Act. Although the intention of the landlord may have been not to re-let the property at that time, the Committee has no control over whether it is re-let or not.
5. Following the re-inspection the Committee determined to issue a Notice of Failure by the landlord in view of the fact that the work specified in the RSEO had not been carried out.
6. By note dated 18 November 2016 the landlord advised PRHP that the property had been demolished in March 2015 and enclosed a copy of a letter from the Assessor for Central Scotland confirming that the property had been deleted from the Council Tax List with effect from 26 March 2015.
7. The surveyor member confirmed by telephone with the Assessor's office that the property had been demolished.
8. The Committee accordingly confirms that on this basis the work required by the RSEO is no longer necessary and accordingly revokes and discharges it.

Right of Appeal

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Effect of section 63

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D Preston

Chairman

Date 28 November 2016