



NOTICE TO LOCAL AUTHORITY
ISSUED BY
THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 26(2) OF THE HOUSING (SCOTLAND) ACT 2006

PRHP Ref: PRHP/RP/14/0018

Title Number MID74944

Re: 10 Combfoot Cottages
Mid Calder
EH53 0AD
("the Property")

The Parties:-
Mr Iain Hunter
Formerly resident at the property
("the Tenant")

and

Mr Derek Connolly and Ms Shirley Connolly
51 Happy Valley Road
Blackburn
EH47 7RB
("the Landlords")

NOTICE TO WEST LoTHIAN COUNCIL

Notice is hereby given to West Lothian Council, being the local authority in which the property is situated, that there has been a failure by the Landlords to comply with a Repairing Standard Enforcement Order in relation to the property in terms of Section 26(1) of the Housing (Scotland) Act 2006.

A copy of the relevant Statement of Reasons of the Private Rented Housing Committee is attached hereto.

A landlord or a 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.

Where such an appeal is made, the effect of the decision and of any 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 any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

The date of service upon the parties of the decision under section 26 of the Act is hereby certified to be 18 July 2015.

In witness whereof these presents type written on this and the preceding page are executed by Ron G Handley, solicitor, chairperson of the Private Rented Housing Committee at Dunbar on 18 July 2015 before this witness:-

J. Handley _____ witness R. Handley _____ chairman

JANE HANDLEY name in full

LESLIE WAY address

DUNBAR

FAST COURT

SOLICITOR GENERAL occupation



STATEMENT OF REASONS

ISSUED BY

THE PRIVATE RENTED HOUSING COMMITTEE UNDER SECTION 26(1) OF THE HOUSING (SCOTLAND) ACT 2006

PRHP Ref: PRHP/RP/14/0018

Title Number MID74944

**Re: 10 Combfoot Cottages
Mid Calder
EH53 0AD
("the Property")**

**The Parties:-
Mr Iain Hunter
Formerly resident at the Property
("the Tenant")**

and

**Mr Derek Connolly and Ms Shirley Connolly
51 Happy Valley Road
Blackburn
EH47 7RB
("the Landlords")**

The Committee comprised:

Mr Ron Handley – Chairperson
Mr Ian Murning – Surveyor Member
Mr John Blackwood – Housing Member

Background

1. On 22 January 2014 the Tenant applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlords had failed to comply with the duties imposed by Section 14(1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. Following receipt of the application, the President of the PRHP intimated that the application should be referred to a Private Rented Housing Committee in accordance with Section 22(1) of the Act.

3. In his application the Tenant submitted that the Landlords had failed to comply with their duty to ensure that the Property met the Repairing Standard (as defined in the Act). It was suggested that the Landlords:
 - did not have a Gas Safety Certificate;
 - had not checked or serviced the electrical goods;
 - were not registered;
 - had not registered the Tenant's deposit
 - had not provided a hardwired smoke alarm;
 - had not provided a carbon monoxide detector;
 - had not provided hot water or heating within the property;
 - failed to ensure that the front door was wind and watertight;
 - failed to repair the seal around the bath;
 - failed to repair the shower;
4. The Committee inspected the Property on 25 April 2014. The Committee found that the Repairing Standard had not been met and proceeded to make a Repairing Standard Enforcement Order ("the RSEO").
5. In accordance with the RSEO the Committee required the Landlords to:-
 - (a) carry out such works as are as necessary to repair the Gas Central Heating System to ensure that it is in proper working order;
 - (b) replace the Carbon Monoxide Detector and ensure that the replacement is in proper working order;
 - (c) replace the seal surrounding the bath and ensure that it is watertight;
 - (d) carry out repairs/replacement to the front door to ensure that it is wind and watertight;
 - (e) provide the Committee with a valid Landlord's Gas Safety Certificate which relates to the system for space heating and heating water within the Property;
 - (f) install within the Property a hardwired smoke detector(s) so as to ensure that there is adequate provision for detecting fires and for giving warning in the event of fire or suspected fire and provide written evidence from a suitably qualified electrician confirming that the smoke detector(s) has been tested and found to be satisfactory for the Property;
 - (g) make good any damage resulting from the remedial works carried out in accordance with this Order.
6. On 7 August 2014 the Surveyor member of the Committee re-inspected at 1000 hours. His report was sent to the parties who were invited to make written representations but none were received. A further letter was sent to the Landlord on 24 April 2015 again inviting written representation but no response was received.

7. The Committee subsequently found no evidence that any of the works as required in the RSEO (as detailed in (a) to (g) above) had been undertaken.
8. The Committee were advised that the Tenant had vacated the Property and accordingly the Committee did not make a Rent Relief Order.
9. The Committee determined that the Landlords had failed to comply with the duty imposed by section 14(1)(b) of the Act.
10. The Private Rented Housing Committee determined that it was appropriate to serve notice to West Lothian Council, being the Local Authority in which the Property is situated, that there has been a failure by the Landlords to comply with the RSEO in terms of section 26(1) of the Act.
11. The decision of the Committee was unanimous.

Right of Appeal

12. A Landlord(s) or Tenant(s) aggrieved by the decision of a PRHP Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of section 63

13. 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. 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.

Signed **R. Handley** Date 18 July 2015
Chairperson