



Notice of a decision to Vary
A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

Prhp Ref: PRHP/RP/16/0039

Re: Property at 12 Rowantree Crescent, Dundee, DD4 8EX as described in Land Certificate Title Number ANG25995 ("the House")

The parties:

Ms Laura Joan Anderson ("the former Tenant")

and

Mr Raymond James Wilson, per Mr Malcolm Dalziel, 91 Westbrook Crescent, Old Hall, Warrington, Cheshire, WA5 8TE ("the Landlord")

NOTICE TO

Mr Malcolm Dalziel on behalf of the Landlord

The Private Rented Housing Committee having determined on 22 June 2016 that the **Repairing Standard Enforcement Order** relative to the Property served on or about 21 April 2016 should be varied, the said **Repairing Standard Enforcement Order** is hereby varied with effect from the date of service of this Notice in the following respects:-

1. The period allowed for the completion of the work required by the Order is extended until **28 December 2016**.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

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 variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally

determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof these presents type written on this page are executed by Maurice O'Carroll, Advocate, Chairman of the Private Rented Housing Committee at Edinburgh on 17 November 2016 before this witness:-

B Quinn

M O'Carroll

witness

____Chairman

B A Quinn

name in full

Caseworker

Occupation

450 Argyle Street, Glasgow, G2 8LH

Address



Statement relative to the Notice of the Decision to Vary

The Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re: House at 12 Rowantree Crescent, Dundee, DD4 8EX as more fully described in the relative Notice (“the House”)

Case Ref: PRHP/RP/16/0039

The Parties:-

Application received from Ms Laura Joan Anderson, formerly residing at the House (“the former Tenant”)

Mr Raymond James Wilson, per Mr Malcolm Dalziel, as designated above (“the Landlord”)

Committee: Mr Maurice O'Carroll (Chairperson), Mrs Geraldine Wooley (Surveyor Member)

Decision

The Committee unanimously, having made such enquiries as it saw fit for the purpose of determining whether the Repairing Standard Enforcement Order (“RSEO”) relative to the House should be varied in terms of section 25(1)(a) of the Housing (Scotland) Act 2006 agreed that the RSEO should be varied.

1. The RSEO relative to the House required the Landlord to:
 1. Repair the main front door to the House and ensure that it is properly operational and secure.
 2. Repair or replace the non-operational window lights at top left of window units in living room and front bedroom and ensure that they have operational handles, are draught proof and secure.
 3. Reinstate the boundary fences at the front of the House.
 4. Replace and properly fix the loose floorboard on the upstairs landing in front of the bedrooms to the House to ensure that it is no longer a trip hazard.
 5. Repair the leaks to the downstairs WC and sink.

6. Inspect and repair the pipework and leaks to the upstairs bathroom.
 7. Install an internal, lockable door to the upstairs shower room.
 8. Repair the ceiling in the upstairs shower room.
 9. Ensure that all faults listed in the EICR require are addressed and repaired, with the Category 2 items being completed as a matter of priority. Thereafter present a clear EICR to the PRHP showing no electrical works remaining outstanding.
 10. Replace all internal doors with appropriate door furniture to ensure that they close properly.
 11. Replace the banister on the staircase.
 12. Repair or replace all kitchen cupboards so that the doors operate correctly.
 13. Replace all missing skirting boards and architraves throughout the House.
 14. Finish all walls in the kitchen to an acceptable standard as appropriate, whether by means of tiling or other water resistant finish.
 15. Install satisfactory provision for the detecting of fires in accordance with the latest fire safety regulations and guidance as set out on the PRHP website at www.prhpscotland.gov.uk.
2. The RSEO specified that these works required to be carried out and completed within 6 weeks of service of the RSEO.
 3. On 10 June 2016, the Committee received notice that the Tenant had vacated the House and the Application was deemed to have been withdrawn. A Minute of Continuation of even date was served on the parties in light of further information that only the first of the requirements of the RSEO had been complied with.
 4. By email dated 21 June 2016, the Landlord's representative requested further time to finalise the remaining works required to comply with the RSEO. Four further months to complete the works was granted at that time.
 5. By email dated 1 November 2016, the Landlord's representative provided an update report which demonstrated that initial works had revealed further defects and that therefore the works to be carried would be in excess of those required by the RSEO. On 15 November 2016, the Landlord's representative requested a further extension of time in order to complete the works. In the circumstances, the Committee considered that request to be reasonable and was content to allow a final extension of time in order for the works to be finalised.

Decision

6. In light of the above, the Committee therefore determined that a further final extension of the time allowed for the works to be carried out should be permitted. It decided to vary the RSEO to the extent of providing a new deadline to **28 December 2016** in terms of section 25(1)(a) of the 2006 Act.

Right of Appeal

7. **A landlord or tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by way of summary**

application within 21 days of being notified of that decision.

Effect of section 63 of the 2006 Act

8. Where such an appeal is made, the effect of the decision and 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.

M O'Carroll

Chairperson

Date: 17 November 2016