



Certificate of completion of work

Issued by the Private Rented Housing Committee

Under section 60 of the Housing (Scotland) Act 2006

PRHP REF: PRHP/RP/16/0208

Re: Property at 101 Dunottar Avenue, Shawhead, Coatbridge ML5 4LP (“the Property”)

Title Number: LAN 49943

The Parties:-

Mr Robert Logan and Mrs Catherine Buglass, 58 Talbot Street, Grangemouth FK3 8HU (“the Landlord”)

Mr James Toal and Mrs Gertrude Toal residing formerly at 101 Dunottar Avenue, Shawhead Coatbridge, ML5 4LP (formerly “the Tenant”)

CERTIFICATE OF COMPLETION

The Private Rented Housing Committee hereby certifies that the work required by the **Repairing Standard Enforcement Order** relative to the Property dated 3 October 2016 has been completed. Accordingly, the said Repairing Standard Enforcement Order relative to the property has been discharged.

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.

In witness whereof these presents typewritten are executed by Josephine Bonnar, Solicitor, Chairperson of the Private Rented Housing Committee at Motherwell on 13 November 2016 before this witness:-

J Bonnar

—	Witness	Chairperson
Gerard Bonnar	Name in full	
58 Port Dundas Road	Address	
Glasgow		
Solicitor	Occupation	



**Statement of decision of the Private Rented Housing
Committee under Section 60 of the Housing
(Scotland) Act 2006**

PRHP Ref: RP/16/00208

Re: Property at 101 Dunottar Avenue, Coatbridge ML5 4LP (“the Property”)

Title No: LAN 49943

The Parties:-

Mr James Toal and Mrs Gertrude Toal, formerly 101 Dunottar Avenue, Coatbridge ML5 4LP (“ the former Tenant”)

Mr Robert Logan and Mrs Catherine Buglass, 58 Talbot Street, Grangemouth FK3 8HU (“the Landlord”)

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order made on 3 October 2016 determined that the Landlord has complied with the Order and that a certificate of completion to that effect should be issued.

The Committee comprised:-

Mrs Josephine Bonnar, Chairperson

Mr Andrew Taylor, Surveyor Member

Background

- 1. By application received on 7 June 2016 the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 (“the Act”).**
- 2. The Application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard. The tenant stated that the Landlord had failed to ensure that (i) The house is wind and watertight and in all other respects reasonably fit for human habitation; (ii) The structure and exterior of the house (including drains, getters and external pipes) are in a reasonable state of repair**

and in proper working order; and (iii) The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. In the application the Tenant identified the following as the repairing standard issues at the property - the central heating system is defective with black soot and fumes coming from the storage heaters, the fridge in the kitchen is not working properly and the windows in some rooms are affected by condensation.

3. The Private Rented Housing Committee served Notice of Referral under and in terms of Schedule 2, Paragraph 1 of the Act upon both the Landlord and the Tenant on 6 July 2016.
4. Following service of the Notice of Referral the Tenant notified the PRHP that they had vacated the subjects. The Committee considered whether the application should be determined or abandoned. By Minute of Continuation dated 16 July 2016 the Committee intimated that they would continue to determine the application.
5. The Committee issued a Notice of Direction to the Landlord on 16 July 2016 requiring the Landlord to instruct an electrical installation condition report of the entire installation of the property and exhibit same to the Committee by 3 August 2016. The Landlord exhibited a copy EICR on 9 August. The said report did not cover the entire electrical installation of the property and specifically excluded the heating system on the instruction of the Landlord. The Landlord was notified that the report provided did not comply with the Notice of Direction. A further Notice of Direction was issued dated 14 August 2016 requiring an EICR to be obtained from a SELECT or NICEIC registered electrician to include the heating system by 30 August 2016. A further EICR dated 19 August 2016 was produced. The address on the report was not the correct address of the property and the report was produced by an electrician who was not SELECT or NICEIC registered. The Landlord was again notified that the report did not comply with the Direction. A further EICR dated 15 September 2016 was thereafter produced.
6. At the request of the Landlord the inspection and hearing assigned for 8 August was postponed to 30 August 2016. A further postponement request was refused. The Committee attended at the property on 30 August 2016 but did not get access to same.
7. The Private Rented Housing Committee inspected the property on the morning of 20 September 2016. The Landlord and the new Tenant, Dione Morrissey were present during the inspection.
8. Following the inspection of the property the Private Rented Housing Committee held a hearing at Airdrie Business Centre, Chapel Street, Airdrie. The Landlord was present and gave evidence.

9. Following the inspection and hearing, the Committee made a Repairing Standard Enforcement Order (RSEO) in respect of the property. In terms of the RSEO the Landlord was required (1) To repair or replace the integrated fridge in the kitchen, and (2) To instruct a suitably qualified SELECT or NICEIC registered electrician to carry out a certified electrical condition check on the entire electrical installation of the property to include all storage heaters and associated circuitry, protection and switching. Thereafter to carry out any works recommended by said electrician and obtain and exhibit a copy of the Electrical Installation Condition Report (EICR) to the Committee. The Landlord required to complete the works within a period of four weeks.
10. On 14 October 2016 the Landlord submitted an EICR to the PRHP. On the 31 October the Landlord submitted a receipt for the purchase on a fridge to the PRHP.
11. The Surveyor Member of the Committee re-inspected the property on 7 November 2016. A copy of the re-inspection report is attached. The Surveyor Member noted that a new slot in refrigerator has been installed in the kitchen. The Committee considered the terms of the EICR which had been produced and found same to be satisfactory. No defect in the storage heaters was identified in the report which complied with the RSEO.

Reason for decision

12. The Committee considered the re-inspection report and the documents submitted by the Landlord. The EICR was found to be satisfactory, confirming that the storage heaters are in working order and safe to use. The broken fridge has been replaced by a new fridge which appears to be in working order. The Committee is therefore satisfied that the work required by the RSEO has been completed.

Decision

13. The Committee accordingly determined that the Landlord had complied with the Repairing Standard Enforcement Order and that a Certificate of completion to that effect should be issued.
14. The decision of the Committee was unanimous.

Right of Appeal

15. 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

16. 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.

Signed..Date 13 November 2016
Josephine Bonnar, Chairperson