

Determination by the Private Rented Housing Committee
Statement of Reasons of the Committee under Sections 26 and 27
of the Housing (Scotland) Act 2006

ref: PRHP/EH15/111/10

Re: Property at 1/2 10 Marlborough Street, Portobello, Edinburgh
("the Property")

Sasine Description: ALL and WHOLE the northmost flatted dwellinghouse on the first floor of the block of dwellinghouses known as and forming number 10 Marlborough Street, Portobello, Edinburgh being the subjects more particularly described in the Disposition by Lorimer Hunter Stewart in favour of Jill Amanda McGregor dated First and recorded in the General Register of Sasines for the County of Midlothian on the Second, both days of July Nineteen Hundred and Ninety-seven.

The Parties:-

Jill Amanda McGregor per James Gibb, Property Management, 4 Atholl Place, Edinburgh EH3 8HT ("the Landlord")

Alfred Gordon, 10 Marlborough Street, Portobello ("the Tenant")

Decision

The Committee, having made such enquiry as it sees fit determines that the Landlord has failed to comply with the terms of the Repairing Standard Enforcement Order dated 18th October 2010 and now serves Notice of said failure on the City of Edinburgh Council in terms of Section 26 of the Act, and further the Committee makes a Rent Relief Order reducing the rent payable under the tenancy by 75% in terms of Section 27 of the Act.

Statement

1. On the 18th of October 2010 the Committee made a Repairing Standard Enforcement Order requiring certain works to be carried out at the property. Said work was ordered to be completed within **eight weeks** of the date of service of the Repairing Standard Enforcement Order. The Repairing Standard Enforcement Order is referred to for its terms.

2. On the 17th of January 2011 the property was re-inspected by Ian Mowatt, Surveyor member of the Committee following the expiry of the period for completion of the works. His inspection revealed no work whatsoever had been carried out to comply with the Repairing Standard Enforcement Order.
3. Following the said re-inspection of the property the full Committee held a Hearing at Leith Community Centre. The Landlord had been invited to attend but did not do so. The Tenant attended with his wife.
4. The Tenant confirmed the Landlord had not sought access to carry out any work and there had been no contact from either the Landlord or the Landlord's agents with regard to the Repairing Standard Enforcement Order.
5. Having heard Mr. Mowatt's report and the oral evidence of the Tenant the Committee determined that the Repairing Standard Enforcement Order has not been complied with in any respect.
6. There has been no application for revocation or variation of the Repairing Standard Enforcement Order. In any event the Committee could see no basis for any such application.
7. As regards the Rent Relief Order the Committee is satisfied, given the blatant disregard of the requirements of the Repairing Standard Enforcement Order, the nature of the disrepair as recorded in the Committee's previous Determination, and the length of time that the property has been in disrepair, that a Rent Relief Order should be made. The Local Authority will be notified as required by statute. Lothian and Borders Police will be notified as the failure to comply with the Order constitutes a criminal offence.
8. Having made the foregoing findings the Committee decided to make a Rent Relief Order reducing the rent payable under the tenancy by 75%. This reduction reflects the Committee's concern regarding the Landlord's failure to comply with the Order in the time specified therein whilst acknowledging that in other respects

the house is in good repair and provides reasonable accommodation for the Tenant and his wife. Having regard to all the foregoing matters the Panel decided that a figure of 75% struck an appropriate and fair balance.

9. **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.**
10. 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 Rent Relief Order will take effect **twenty-eight days** after the date on which the appeal is abandoned or the decision confirmed.

A McCamley

Signed
Chairman

Date 17/1/11

Rent Relief Order
Ordered by the Private Rented Housing Committee

ref: PRHP/EH15/111/10

Re: Property at 1/2 10 Marlborough Street, Portobello, Edinburgh
("the Property")

The Parties:-

Jill Amanda McGregor per James Gibb, Property Management, 4 Atholl Place,
Edinburgh EH3 8HT ("the Landlord")

Alfred Gordon, 10 Marlborough Street, Portobello ("the Tenant")

NOTICE TO Jill Amanda McGregor per James Gibb, Property Management,
4 Atholl Place, Edinburgh EH3 8HT ("the Landlord")

In terms of their decision dated 17th January 2011, the Private Rented Housing Committee ("the Committee") determined in terms of Section 26(1) of the Housing (Scotland) Act 2006 (the "said Act") that the Landlord has failed to comply with the Repairing Standard Enforcement Order in relation to the house made by the Committee.

The Committee determined to make a Rent Relief Order in terms of Section 27 of the said Act reducing the rent payable under the tenancy for the house by an amount of 75% of the rent which would, but for the order, be payable. The rent reduction will take effect 28 days after the last date on which the decision to make the Rent Relief Order may be appealed under Section 64 of the said Act.

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 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 Rent Relief Order will take effect 28 days after the date on which the appeal is abandoned or the decision is confirmed.

In witness whereof these presents typewritten on this and the preceding page are executed by me Anne McCamley, Solicitor and Chairman of the Private Rented Housing Committee at Edinburgh on the Nineteenth day of January Two Thousand and Eleven in the presence of Murdoch McCamley, Chartered Accountant, Osborne House, Osborne Terrace, Edinburgh.

M McCamley

(witness)

A McCamley

(Chairman)