



Rent Relief Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/EH47/197/11

Re : Property at 16 Main Street, Stoneyburn, Bathgate, West Lothian ("the Property")

Title No: WLN3114

The Parties:-

Tony Trowbridge, residing at 74 Lackford Avenue, Totten, Southampton, Hants (represented by their agent, Ms P Mavor, of Mavor & Co, 16 Union Square, West Calder, EH55 8EY) ("the Landlord")

Richard Gilmour, residing at 16 Main Street, Stoneyburn, Bathgate, West Lothian ("the Tenant")

NOTICE TO Tony Trowbridge, residing at 74 Lackford Avenue, Totten, Southampton, Hants ("the Landlord")

Whereas in terms of their decision dated 2nd March 2012, 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 25% 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 type written on this page are executed by Paul Doyle, solicitor, 24 Haddington Place, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 5th February 2013 before this witness:-

J Oswald witness

Julie Oswald

24 Haddington Place, Edinburgh

Legal Cashier

P Doyle chairman



**Statement of facts and reasons for Decision to grant a
Rent Relief Order
Under Section 27 of the Housing
(Scotland) Act 2006**

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STATEMENT OF FACTS & REASONS.

- (1) On 2nd March 2012 the Private Rented Housing Committee issued a decision requiring the Landlord to comply with the repairing standard enforcement order made by the Committee on 2nd March 2012. On 23rd November 2012 the surveyor member of the Committee inspected the property. After this inspection the Committee was concerned that the work specified in the repairing standard enforcement order had not been completed despite the significant passage of time, and despite the fact that the repairing standard enforcement order had been varied twice to allow the landlord to complete the works required.
- (2) The surveyor member noted that despite the fact that some works had been carried out

"Gutters still leak/overflow, the downpipe to the left hand side of the front wall has not been cleared, a section had been removed to facilitate ongoing works. Repairs instructed by the landlord were ongoing, albeit beyond the scope of the RSEO.

At time of last re-inspection, repairs were required to rainwater fittings, which have still not been completed, whilst it is appreciated that some works/repairs have been ongoing, the landlord has failed to address issues required in terms of the RSEO, despite a previous extension of time.

In conclusion, the requirements of the RSEO have been partially addressed, however the landlord is not fully in compliance with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006.

It is recommended to the Committee that a further limited period of time should be given for the Landlord to address the issues identified, reflecting other works in progress and to produce satisfactory evidence that all works necessary to comply with the requirements of the RSEO have been undertaken, such as a report detailing works undertaken."

- (3) More than two months have passed since the date of re-inspection, but the landlord has not produced reliable evidence that the necessary works are completed. Although the landlord has exhibited invoices for some of the works carried out, those invoices do not properly specify the works to which they relate, nor do they establish that the works required to obtemper the repairing standard order have been satisfactorily completed. The Tenant has contacted PRHP to complain that the works are still incomplete. In the circumstances the committee can only come to the conclusion that the Landlord has chosen to delay in carrying out the works required in terms of the repairing standard enforcement order dated 2nd March 2012. Accordingly the Committee decides to impose a rent relief order. As the landlord has chosen not to complete the repairs required, and the quality of the tenant's peaceful enjoyment of the property is adversely affected by the Landlord's decision, the Committee decided that a restriction of rental is merited. The Committee therefore granted a Rent Relief Order for 25% of the monthly rental.
- (4) **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.**
- (5) Where such an appeal is made the effect of the decision and the certificate are 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 certificate are to be treated as having effect from the day on which the Appeal is abandoned or so determined.

Signed **P Doyle**
Paul Doyle, Chairperson

5/02/2013