



Amended final copy
SPW 17/8/11

RENT RELIEF ORDER ('RRO')

BY THE

PRIVATE RENTED HOUSING COMMITTEE

PRHP Ref: PRHP/ML11/26/11

PROPERTY

Oakdene, 4 White Lees Road, Lanark, ML11 7LD Title Number LAN86916

PARTIES

MR ALAN MILTON HUTTON, residing at Oakdene, 4 White Lees Road, Lanark, ML11 7LD.

Tenant

and

CHRISTOPHER MAY, c/o Redpath Bruce Property Management, 103 West Regent Street, Glasgow, G2 2DQ.

Landlord

**REPAIRING STANDARD ENFORCEMENT ORDER ('RSEO') AGAINST,
CHRISTOPHER MAY**, c/o Redpath Bruce Property Management, 103 West Regent Street, Glasgow, G2 2DQ.

1. **WHEREAS** in terms of their decision dated 12th August, 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 property made by the Committee.
2. 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 property by an amount of **50%** 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.

RIGHT OF APPEAL

3. 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.

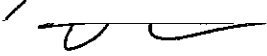
EFFECT OF APPEAL

4. 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 consisting of this and the preceding page are executed by me, Steven Peter Walker, Advocate and Barrister, Chairman of the Private Rented Housing Committee at London on the twelfth day of August two


thousand and eleven before this witness, Hee Kiat Sii, solicitor, c/o 2-5 Warwick Court,
London, WC1R 5DJ.

S Walker



Chairman

H K Sii



Witness



*Contract or time coming
Fwd 17/8/11*

**PRIVATE RENTED HOUSING COMMITTEE
STATEMENT OF REASONS**

PROPERTY:

Oakdene, 4 White Lees Road, Lanark, ML11 7LD

REINSPECTION

19th July, 2011

STATEMENT OF REASONS

INTRODUCTION

1. This was an application dated 3rd February, 2011 ('the application') made under section 22(1) of the Housing (Scotland) Act 2006 ('the Act') by Mr Alan Hutton ('the tenant') regarding the property known as and forming Oakdene, 4 White Lees Road, Lanark ('the property'). His representative is his wife, Mrs Hutton ('Mrs Hutton'). The landlord of the property is Mr Christopher May ('the landlord') c/o Redpath Bruce Property Management, 103 West Regent Street, Glasgow, G2 2DQ. The Committee by Statement of Reasons dated 29th May, 2011 determined that the landlord had failed to comply with certain duties imposed on him in terms of the legislation and imposed an RSEO dated 29th May, 2011 over the property.

THE RSEO

2. The RSEO ordered the landlord to at paragraph 3 to carry out the following repairs ("the Works");-
 1. *The external front door requires painting to ensure that is in a reasonable state of repair and in proper working order;*
 2. *The back door requires repair/replacement to ensure it is wind and water tight and in all other respects reasonably fit for human habitation;*
 3. *In the bathroom, the cistern and hot water bath tap require repair to ensure they are in a reasonable state of repair and in proper working order. Furthermore, the lead pipes in the bathroom require replacement to ensure the house is in all other respects reasonably fit for human habitation.*

4. *The bathroom and kitchen cupboard windows require repair to ensure they are in a reasonable state of repair and in proper working order;*
5. *In the kitchen the water penetration requires to be prevented to ensure that the house is water tight and in all other respects reasonably fit for human habitation. Furthermore, in the kitchen the water damaged ceiling and wall require repair to ensure they are in a reasonable state of repair and in proper working order.*

THE REINSPECTION

3. The reinspection of the property was carried out on 19th July, 2011 by the surveyor member of the Committee. The surveyor prepared a report ('the report') dated 19th July, 2011 which concluded that the landlord has failed to comply with paragraph 3(2)(3) and (5) of the RSEO. The said report was intimated to the parties for comment. In summary, in response the landlord's agent advised that the lead pipes in the bathroom were not a major health concern. The tenant advised that the works were not complete.

DECISION & REASONS

6. The Committee determines that the landlord is in default of the RSEO. The Committee having considered the terms of the report considered whether a Rent Relief Order ('RRO') should be made in terms of section 27 of the Act and determined that an RRO should be made given the landlord's failure to comply in full with the RSEO without reasonable excuse. The Committee does not consider that the excuse advanced by the landlord is acceptable or reasonable.
7. The Committee then considered the amount by which the rent should be reduced taking into account (1) the impact on the tenant of the failure to carry out the repairs, and (2) the failure by the landlord to

carry out the repairs in direct contravention of an Order made by this Committee.

8. The Committee having made such enquiries as it deems appropriate determines that the landlord has failed to comply with the RSEO in terms of section 26(1) of the Act and that notice of this failure shall be served on the relevant local authority.
9. Accordingly, in the circumstances the Committee determines that an RRO should be made in terms of section 27 of the Act and determines that an appropriate deduction is 50%.

EFFECTIVE DATE

10. The RRO is effective 28 days after the last date in which the RRO can be appealed under section 64 of the Act.

RIGHT OF APPEAL

11. A landlord or tenant has the right to appeal this decision to the Sheriff by summary application within 21 days of being notified of that decision.

EFFECT OF APPEAL

12. 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.

S Walker

Signed

Steven P Walker
Advocate & Barrister

Chairman
Private Rented Housing Committee

12th August, 2011