



Determination by Private Rented Housing Committee

Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006

prhp ref: RP/14/0250

Re 22 G/R Garnock Street, Dalry, KA24 4BT, being the subjects registered in the Land Register of Scotland under title number AYR50276 ('the Property')

The Parties:-

Mr Ronnie Potts 22 G/R Garnock Street, Dalry, KA24 4BT ("The Tenant")

Mr Steven Boyce, 66 Lomond Crescent, Beith, KA13 2EB and Mr Craig J Wilson, 94 Mountcastle Wynd, Kilwinning KA13 6DH ("The Landlord")

Private Rented Housing Committee (the Committee) : Martin McAllister, legal member, Alex Carmichael, surveyor member and Susan Brown, housing member.

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the duty imposed by Section 14 (1)(b) of The Housing (Scotland) Act 2006 ("the 2006 Act") in relation to the Property, determined that the Landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the 2006 Act and made a repairing standard enforcement order in terms of Section 24(2) of the said Act.

Background

- 1. The Committee had made a determination on 14th July 2015 that a draft repairing standard enforcement order be intimated on Mr Craig J. Wilson as registered proprietor of the Property and giving him fourteen days to make representations. This was served on 16th July 2015.**
- 2. No representations having been made, the Committee determined that a repairing standard enforcement order be made.**

3. The Committee's Decision dated 14th July 2015 should be read in conjunction with this Decision and gives reasons for it determining that a repairing standard enforcement order be made.

The Committee accordingly determined that the Landlord has not complied with the duties imposed by Section 13(1) (a), 13 (1) (b), 13 (1) (c) and 13(1) (f) of the Act and determined that a repairing standard enforcement order be made in the following terms:

1. The Landlord is to install a hard wired smoke detector in the living room.
2. The Landlord is to install a hard wired heat detector in the kitchen.
3. The Landlord is to rectify the exposed and loose wiring at the consumer unit, the skirting mounted socket in the bedroom and the unsatisfactory power supply to the boiler.
4. The Landlord is to provide an electrical safety certificate upon conclusion of the works itemised in 1-3 inclusive.
5. The landlord is to make good the wall where the gas fire had been.
6. The Landlord is to ensure that the defects to the external building are remedied including roofing works, work to the gutters and downpipes and rendering all to make the building wind and watertight and in a satisfactory condition.

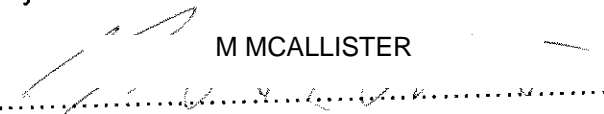
The Landlord is required to carry out the works itemised in 1- 5 inclusive within thirty days of intimation of the repairing standard enforcement order and the works itemised in 6 within six months of intimation of the repairing standard enforcement order.

Right of Appeal

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

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  M MCALLISTER Date 12th August 2015
Chairperson



Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

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Re 22 G/R Garnock Street, Dalry, KA24 4BT, being the subjects registered in the Land Register of Scotland under title number AYR50276 ('the Property')

The Parties:-

Mr Ronnie Potts 22 G/R Garnock Street, Dalry, KA24 4BT ('TheTenant')

Mr Steven Boyce, 66 Lomond Crescent, Beith, KA13 2EB and Craig J. Wilson, 94 Mountcastle Wynd, Kilwinning KA13 6DH ('The Landlord')

NOTICE TO STEVEN BOYCE AND CRAIG J.WILSON ("the Landlord")

Whereas in terms of their decision dated 18th June 2015 the Private Rented Housing Committee determined that the landlord has failed to comply with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 and, in particular, that the Landlord has failed to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation, that the structure and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order, that the installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order and that the house has satisfactory provision for detecting fires and giving warning in the event of fire or suspected fire, the Private Rented Housing Committee now requires the landlord to carry out such work as is necessary for the purposes of ensuring that the house concerned meets the repairing standard and that any damage caused by the carrying out of any work in terms of this Order is made good.

In particular the Private Rented Housing Committee requires the following:-

1. The Landlord is to install a hard wired smoke detector in the living room.
2. The Landlord is to install a hard wired heat detector in the kitchen.
3. The Landlord is to rectify the exposed and loose wiring at the consumer unit, the skirting mounted socket in the bedroom and the unsatisfactory power supply to the boiler.
4. The Landlord is to provide an electrical safety certificate upon conclusion of the works itemised in 1-3 inclusive.
5. The landlord is to make good the wall where the gas fire had been.
6. The Landlord is to ensure that the defects to the external building are remedied including roofing works, work to the gutters and downpipes and

rendering all to make the building wind and watertight and in a satisfactory condition.

The Landlord is required to carry out the works itemised in 1- 5 inclusive within thirty days of intimation of the repairing standard enforcement order and the works itemised in 6 within six months of intimation of the repairing standard enforcement order.

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, 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.

Please note that in terms of section 28(1) of the Act, a landlord who, without reasonable excuse, fails to comply with a RSEO commits an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale. A landlord (and that includes any landlord's successor in title) also commits an offence if he or she enters into a tenancy or occupancy arrangement in relation to a house at any time during which a RSEO has effect in relation to the house. This is in terms of Section 28(5) of the Act.

In witness whereof these presents executed at Saltcoats on 12th August 2015 before
Kirsty McDonald, witness


K
MCDONALD


M MCALLISTER