



**NOTICE OF A DECISION TO VARY  
A REPAIRING STANDARD ENFORCEMENT ORDER  
ORDERED BY THE PRIVATE RENTED HOUSING COMMITTEE**

prhp Ref: prhp/KA19/109/11

**PROPERTY**

**Re : Property at S.V.G.C.A Cottage, Culzean Castle Country Park, Maybole, Ayrshire, KA19 8JX erected on ALL and Whole that plot or area of ground extending to eleven poles and seventeen square yards or thereby, bounded on the north-west by a pathway from Culzean Home Farm to Culzean Castle and to the south-west by the hall and four houses known as New Stables, forming part of the Culzean Policy Grounds, part of the lands and Barony of Culzean, in the Parish of Kirkoswald and County of Ayr, all as more particularly described in the Feu Charter by the National Trust for Scotland for Places of Historic Interest or Natural Beauty in favour of the Scottish Garden City Housing Society Limited dated Twenty ninth January and recorded in the general Register of Sasines for the County of Ayr on Sixteenth February, both months in the year Nineteen hundred and fifty three; Together with the dwellinghouse and whole other buildings and erections thereon, the heritable fittings and fixtures therein and thereon, free ish and entry therefrom and thereto, and the parts, privileges and pertinents effeiring thereto.  
("the Property")**

**The Parties:-**

**Mr. Krisham Moodley, S.V.G.C.A Cottage, Culzean Castle Country Park, Maybole, Ayrshire, KA19 8JX**  
("the Tenant")

**The Scottish Veterans' Garden City Association (Inc), having their registered office at New Haig House, Logie Green Road, Edinburgh, EH7 4HQ**  
("the Landlord")

**NOTICE TO The Scottish Veterans' Garden City Association (Inc), having their registered office at New Haig House, Logie Green Road, Edinburgh, EH7 4HQ**  
("the Landlord")

The Private Rented Housing Committee having determined that the **Repairing Standard Enforcement Order** dated 23 August 2011 relative to the Property should be further varied, the said **Repairing Standard Enforcement Order** is hereby **further varied** with effect from the date of service of this Notice in the following respects:-

1. The Committee will obtain a further specialist report from Dr Stirling Howieson who will be instructed to carry out a full inspection of the property with a view to identifying the reason for the continuing condensation and mould and to advise on what, if any, additional work/action should be undertaken to resolve the problem. In addition the report should address the issue of water ingress at the front door.
2. The period allowed for the completion of the work required by the order is extended (or further extended) for a further 8 weeks.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not apply in this case.

**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.**

Where such an appeal is made, the effect of the variation is suspended until the appeal is abandoned or finally determined, and where the appeal is abandoned or finally determined by confirming the decision, the variation will be treated as having effect from the day on which the appeal is abandoned or so determined.

IN WITNESS WHEREOF these presents type written on this and the preceding page(s) are executed as follows-

**D Preston**

Chairman

25/03/12

Date of Signing

OBAJ

Place of Signing

**S Preston**

Witness

SHARON EUBANK REID

Name

WESTBANK

Address

742 CHURCH ST. LEANING

OBAJ

AC 766



**SECOND VARIATION OF REPAIRING STANDARD ENFORCEMENT  
ORDER  
by the  
PRIVATE RENTED HOUSING COMMITTEE**

PRHP Ref: prhp/KA19/109/11

**PROPERTY**

**S.V.G.C.A Cottage, Culzean Castle Country Park, Maybole, Ayrshire, KA19 8JX erected on ALL and Whole that plot or area of ground extending to eleven poles and seventeen square yards or thereby, bounded on the north-west by a pathway from Culzean Home Farm to Culzean Castle and to the south-west by the hall and four houses known as New Stables, forming part of the Culzean Policy Grounds, part of the lands and Barony of Culzean, in the Parish of Kirkoswald and County of Ayr, all as more particularly described in the Feu Charter by the National Trust for Scotland for Places of Historic Interest or Natural Beauty in favour of the Scottish Garden City Housing Society Limited dated Twenty ninth January and recorded in the general Register of Sasines for the County of Ayr on Sixteenth February, both months in the year Nineteen hundred and fifty three; Together with the dwellinghouse and whole other buildings and erections thereon, the heritable fittings and fixtures therein and thereon, free ish and entry therefrom and thereto, and the parts, privileges and pertinents effeiring thereto.**

**PARTIES**

**Mr. Krisham Moodley, S.V.G.C.A Cottage, Culzean Castle Country Park,  
Maybole, Ayrshire, KA19 8JX**

**Tenant**

and

**The Scottish Veterans' Garden City Association (Inc), having their  
registered office at New Haig House, Logie Green Road, Edinburgh, EH7  
4HQ**

**Landlord**

### **Decision and Reasons**

1. On 23 August 2011, after an inspection of the property and a hearing, the Private Rented Housing Committee (the Committee) issued a Repairing Standard Enforcement Order (RSEO). By letter dated 10 January 2012, the Landlord requested revocation of the RSEO. The Committee varied the RSEO in terms of a Notice of Variation dated 24 January 2012.
2. Further representations were made by the Landlord dated 2 February 2012 along with a further report from Graham & Sibbald dated 7 February 2012. The Tenant responded to the Landlord's representations by 27 February 2012. The Committee has carefully considered all of these representations.
3. The terms of the RSEO required the Landlord  

To commission such specialist reports as may be necessary to determine the necessary balance between the heating, ventilation and insulation of the property and to carry out such work as identified by said reports as is necessary to eliminate the dampness / condensation evident in the window wall and in the cupboard recess of the main bedroom of the property.
4. Whilst the Committee is satisfied that the Landlord has obtained the further reports and that both parties have complied with the recommendations contained therein, it is evident that the problem persists.
5. The landlord considers (in terms of para 5 their response dated 2 February 2012) that as independent elements, the heating, ventilation and insulation in the bedroom is adequate and that it is the management of balancing those elements that is the issue. They contend that the habitability practice of the present tenant demonstrates that the balance between the heating, ventilation and insulation of the property has not been managed properly, which, in their view is supported by the reports and has been the principle cause of the apparent dampness in the bedroom. They further contend that this unequivocally establishes that balance between the heating, ventilation and insulation has not been properly managed by the tenant and that the fault does not lie with the landlord. Further they are of the view that the tenant, in failing to properly ventilate in the bedroom, will, if allowed to continue, be responsible for unacceptable deterioration of the property.
6. The view of the tenant is that their lifestyle is not significantly beyond the normal lifestyle of other tenants. They continue to heat and ventilate and the problem has worsened.
7. The Committee note that the landlord has incurred significant expense in carrying out works which, ordinarily, would be expected to remedy the

problem of condensation and mould. The walls and roof have been insulated, the windows are double glazed, ventilation systems have been installed, there is both electric and solid fuel heating. The Committee has no basis upon which to suspect that the lifestyle of the tenant is such that it is causing the level of mould which was apparent during their inspection of the property. Apart from the mould the property appeared clean and well kept. Parts of the interior are not affected by the mould, and the part of the property worst affected is not the area of the house where it would normally be expected for such a problem to manifest itself.

8. Considering all of the circumstances, the Committee has decided to instruct their own specialist report from Dr Stirling Howieson who will be instructed to carry out a full inspection of the property with a view to identifying the reason for the continuing condensation and mould and to advise on what, if any, additional work / action should be undertaken to resolve the problem.
9. The report will be for the benefit of the Committee but will be made available to the parties for comment. The parties will co-operate in the preparation of the report and will not try to influence Dr Howieson in the preparation of his report. The Committee may make further directions once the report has been prepared and considered.
10. The Committee accordingly extends the time limit provided in the Notice of Variation by a period of 8 weeks from the date of issue of this Variation.

D Preston

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Chairman

25/03/12  
.....  
Date