



NOTICE OF A DECISION TO VARY
A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

Ref: PRHP/EH8/110/09

Re: The ground floor flatted dwellinghouse situated at and known as 38 Northfield Drive, Edinburgh, EH8 7RH, being the subjects registered in the Land Register of Scotland under Title Number MID48657 ("the Property")

The Parties:-

MS JACQUELINE BLAIR, residing at 38 Northfield Drive, Edinburgh, EH8 7RH ("the Tenant")

and

MR KENNETH WHITTLE and MR KENNETH DAVIE, as partners and trustees for the firm of the Davie Whittle Partnership per their agents Southside Property Management having a place of business at 50 East Crosscauseway, Edinburgh, EH8 9HD ("the Landlords")

NOTICE to MR KENNETH WHITTLE and MR KENNETH DAVIE, as partners and trustees for the firm of the Davie Whittle Partnership per their agents Southside Property Management having a place of business at 50 East Crosscauseway, Edinburgh, EH8 9HD ("the Landlords")

The Private Rented Housing Committee having determined on 22 July 2010 that the Repairing Standard Enforcement Order relative to the property should be varied, the said Repairing Standard Enforcement Order is hereby varied with effect from the date of service of this Notice in the following respects:-

- 1 The period allowed for completion of the works required by the order is varied such that the works specified in the order must be carried out and completed by not later than 11th November 2011.

Subsection 25(3) of the Housing (Scotland) Act 2006 applies 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 by Andrew Stuart Cowan, Solicitor, 7 West George Street, Glasgow G2 1BA, Chairperson of the Private Rented Housing Committee at Glasgow on 21 October 2011 before this witness:-

A Cowan

L McManus

_____ witness

_____ chairman

Laura McManus
Secretary
7 West George Street
Glasgow
G2 1BA



**Statement of facts and reasons for
Decision to Vary Repairing Standard Enforcement Order
In terms of Section 25 (1) of the Housing (Scotland) Act 2006
Ordered by the Private Rented Housing Committee**

Ref: PRHP/EH8/110/09

Re: The ground floor flatted dwellinghouse situated at and known as 38 Northfield Drive, Edinburgh, EH8 7RH, being the subjects registered in the Land Register of Scotland under Title Number MID48657 ("the Property")

The Parties:-

MS JACQUELINE BLAIR, residing at 38 Northfield Drive, Edinburgh, EH8 7RH ("the Tenant")

and

MR KENNETH WHITTLE and MR KENNETH DAVIE, as partners and trustees for the firm of the Davie Whittle Partnership per their agents Southside Property Management having a place of business at 50 East Crosscauseway, Edinburgh, EH8 9HD ("the Landlords")

Statement of facts and reasons

1 The Private Rented Housing Committee issued a Repairing Standard Enforcement Order in respect of the Property dated 22nd July 2010.

The works required to be carried out by the Landlords in terms of the RSEO were:-

- (a) In the front bedroom of the Property to remove the skirting along the right wall and supply and fit insulated plasterboard to the right hand wall with taped joints and then re-fit the previously removed skirtings.
- (b) In the rear bedroom (children's bedroom) of the Property (within the cupboard area of that room), to remove the skirtings on the left and rear walls and supply and fit insulated plaster board to those walls within that cupboard area at full height with taped joints. To re-fit the removed skirtings. In addition to bore holes in the cupboard door at top and bottom and supply and fit four new vent covers to those bored holes.

- (c) To repair the leaking soil pipe below the bathroom in the Property.
- 2 The Surveyor Member of the Private Rented Housing Committee re-inspected the property on two occasions in order to ascertain whether the work required by the RSEO had been completed.
- 3 The most recent inspection was carried out on 1st July 2011.
- 4 The Surveyor Member of the Committee issued a written report following his inspection of the property which was copied to both the Landlords and the Tenant.
- 5 Both the Landlords and the Tenant confirmed in writing to the Private Rented Housing Committee that they agreed with the findings of the surveyor member's report.
- 6 The Surveyor Member of the Committee was satisfied that all works as required by the RSEO were completed, with the exception of:-
- (a) Making good finish to a pipe box in the bathroom which had been disrupted by tradesmen carrying out the work required by the RSEO, and
- (b) The fitting of ventilator covers to air vents which had been cut in both cupboard doors in the back bedroom of the property.
- 7 On receipt of the surveyors' report of 1st July 2011 the Landlords wrote to the Committee and confirmed that they would "complete all the works in the report with a maximum period of two to three weeks".

No further evidence has been exhibited to the Committee that the outstanding works identified in the surveyor's report have been completed.

- 8 The Committee have therefore determined to vary the terms of the current Repairing Standard Enforcement Order by extending the period for completion of all works required by the Repairing Standard Enforcement Order and requiring such works to be completed by not later than 11th November 2011. For the avoidance of doubt it is for the Landlords to satisfy the Committee that all works required by the Repairing Standard Enforcement Order have been completed. The Committee are prepared to consider written evidence from the Landlords, together with appropriate receipted invoices from tradesmen to confirm that all works have been completed. If the Landlords fail to provide satisfactory evidence to the Committee that the works required by the Repairing Standard Enforcement Order have been completed, the Committee shall be entitled to draw an irrefutable inference from the Landlords' failure and to regard the Landlords as having failed to comply with the Repairing Standard Enforcement Order previously made by the Committee.

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 decision and the Certificate is 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 date on which the appeal is abandoned or so determined.

A Cowan

Signed
(Chairperson)

Date