



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/G33/126/10

Land Register Title Number:- GLA47879

Re : Property at 75 Loretto Street, Carntyne, Glasgow, G33 3BX ("the Property")

The Parties:-

Mr Ian Allan residing at 75 Loretto Street, Carntyne, Glasgow, G33 3BX ("the tenant")

And

Mr Stephen McCullagh, residing at 105 Gartcraig Road, Glasgow, G33 2RY ("the landlord")

NOTICE TO Mr Stephen McCullagh, residing at 105 Gartcraig Road, Glasgow, G33 2RY ("the Landlords")

The Private Rented Housing Committee having determined on 14 July 2011 that the Repairing Standard Enforcement Order relative to the Property served on 16 February 2011 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 the completion of the work required by the order is extended for a further 4 weeks.
2. The steps which the Committee require the landlord to take in complying with the order are as follows :-
 - To carry out an inspection of all gas fittings and appliances within the property in accordance with the terms of the Gas Safety (Installation and Use) Regulations 1998 and to produce appropriate certification in terms of said Regulations.

Subsection 25(3) of the Housing (Scotland) Act 2006 does 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 are executed by James Bauld, solicitor, 7 West George Street, Glasgow, G2 1BA, chairperson of the Private Rented Housing Committee at Glasgow on 14 July 2011 before this witness:-

Signed **J Bauld** Date *14 July 2011*

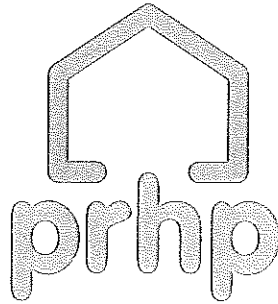
James Bauld, Chairperson

N Walker
Signature of Witness Date *14 July 2011*

Name: *NATALIE WALKER*

Address: 7 West George Street, Glasgow, G2 1BA

Designation: Senior Court Administrator



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

STATEMENT OF DECISION OF PRIVATE RENTED HOUSING COMMITTEE
(Hereinafter referred to as "the Committee")

Under Section 24 (1) of the Housing (Scotland) Act 2006

Case Ref Number: PRHP/G33/126/10

In connection with the property at

75 Loretto Street, Carntyne, Glasgow, G33 3BX ("the Property"),

Land Register Title Number GLA47879

The Parties

Mr Ian Allan residing at 75 Loretto Street, Carntyne, Glasgow, G33 3BX ("the Tenant").

And

Mr Stephen McCullagh, residing at 105 Gartcraig Road, Glasgow, G33 2RY ("the Landlord").

The Committee comprised:-

- Mr James Bauld - Chairperson
Mr Michael Links - Surveyor member
Mr Tom Keenan - Housing member

Background

1. On 16th February 2011 the Committee issued a determination which decided that the Landlord had failed to comply with the duties imposed by Section 14 (1) of the Housing (Scotland) Act 2006 ("the 2006 Act"). On the same date, the Committee issued a Repairing Standard Enforcement Order (RSEO) in respect of the property.
2. The RSEO made by the Committee required the Landlord to carry out such works as were necessary to:-
 - To carry out an inspection of all gas fittings and appliances within the property in accordance with the terms of the Gas Safety (Installation and Use) Regulations 1998 and to produce appropriate certification in terms of said Regulations.
3. The Committee ordered that the works specified in the RSEO were to be carried out and completed within the period of 28 days from the date of the Order. The RSEO was effectively served on the Landlord.
4. On 29th March 2011 a further inspection of the property was carried out to ascertain whether the repairs required by the RSEO had been completed.

5. During the inspection of the property, it was apparent that the works required had not been completed. A re-inspection report was prepared by the surveyor member of the Committee Mr Michael Links.
6. A copy of that re-inspection report was then sent to both the Landlord and Tenant. Each of the parties replied to the PRHP offices. There was a clear dispute in the responses between the parties and it was decided to hold a further hearing.
7. A further hearing accordingly took place on 15th June 2011. Both the Landlord and the Tenant were in attendance at the hearing.
8. At the hearing it was agreed that the necessary works to carry out the Gas Safety Check had not been completed. Each party blamed the other for this failure. Both parties however agreed that they would now co-operate with each other and that the Tenant would liaise with the Landlord to allow access to the appropriate engineer to allow the works to be carried out. Both parties were happy that the RSEO should simply be varied and further time should be allowed for these works to be carried out.

Determination and Reasons

9. The Committee considered the evidence which was presented at the hearing.
10. The Committee were satisfied that both parties were now willing to co-operate to allow the works to be carried out.
11. Accordingly the Committee decided in terms of the powers under Section 25 of the 2006 Act to vary the Repairing Standard Enforcement Order which had been previously made.

12. The Committee decided that the RSEO should be varied to allow the Landlord a further period of 4 weeks to arrange for the outstanding works to be done, namely the inspection of the gas appliances and the production of the appropriate certificate in terms of the Gas Safety Regulations.

Decision

13. The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the RSEO in relation to the property concerned and taking full account of all the evidence obtained at the re-inspection and at the hearing determined to exercise their powers in terms of Section 25 of the 2006 Act to vary the Repairing Standard Enforcement Order.
14. The Committee proceeded to make a variation to the RSEO.
15. The decision of the Committee was unanimous.

Rights of Appeal

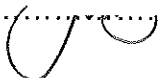
16. A Landlord or tenant aggrieved by the decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
17. The appropriate respondent in such appeal proceedings is the other Party to the proceedings and not the PRHP of the Committee which made the decision.

Effects of Section 63

- 18. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined.

- 19. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

J Bauld

Signed


Date 14 July 2011

James Bauld, Chairperson

N Walker

Signature of Witness.. ..

Date 14 July 2011

Name: NATALIE WALKER

Address: 7 West George Street, Glasgow, G2 1BA

Designation: SENIOR COURT ADMINISTRATOR.