



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: prhp/RP/13/0145

Re: Property at Milton House, Blacklunans, Blairgowrie, Perthshire PH10 7LL ("the Property")

Sasine Description: ALL and WHOLE the farmhouse of Milton of Blacklunans, by Blairgowrie, in the County of Perth, being part of the subjects described in Instrument of Sasine in favour of William Shaw, recorded in the Particular Register of Sasines etc for the County of Perth on 9 December 1853 and part of the subjects more particularly described in Disposition by the Executors of the late William Shaw in favour of William James Shaw, dated 21 July and 28 August and recorded in the Division of the General Register of Sasines applicable to the County of Perth on 3 September, all dates in the year 1987.

The Parties:-

William James Shaw, residing formerly at 108 Green Croft Gardens, West Hampstead, London and now at Haycocks, 64 Baldock Street, Ware, Hertfordshire SG12 9DT (represented by his agent, Elliot & Company WS, 8 Charlotte Street, Perth PH1 5LL) ("the Landlord") and

Miss Tanya Brown, residing sometime at Milton House, Blacklunans, Blairgowrie, Perthshire PH10 7LL ("the Tenant")

NOTICE TO WILLIAM JAMES SHAW ("the Landlord")

The Private Rented Housing Committee having determined on 8 June 2015 that the **Repairing Standard Enforcement Order** relative to the Property served on 16 June 2014 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 period of two months following the date of service of this Notice.

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 typewritten on this page are executed by George Barrie Clark, solicitor, Lasswade, chairperson of the Private Rented Housing Committee at Lasswade on 8 June 2015 before this witness Valerie Elizabeth Jane Clark, 5 School Brae, Lasswade, Midlothian.

_V Clark witness

_G Clark chairman



Statement of decision of the Private Rented Housing Committee under Section 25 of the Housing (Scotland) Act 2006

prhp Ref: prhp/RP/13/0145

Re : Property at Milton House, Blacklunans, Blairgowrie, Perthshire PH10 7LL ("the Property")

The Parties:-

Miss Tanya Brown, residing sometime at Milton House, Blacklunans, Blairgowrie, Perthshire PH10 7LL and now at The Old Schoolhouse there("the Tenant")

William Shaw, Haycocks, 64 Baldock Street, Ware, Hertfordshire SG12 9DT (represented by his agents, Elliot & Company WS, 8 Charlotte Street, Perth PH1 5LL ("the Landlord"))

Decision

The Committee, having considered a request from the Landlord to extend the time limit for carrying out the works required by the Repairing Standard Enforcement Order served on 16 June 2014, determined that the Landlord should be given a further period of 2 months from the date of service of the Variation within which to complete the works.

Background

1. By application dated 28 September 2013, the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
2. The Private Rented Housing Committee inspected the Property on the morning of 23 May 2014. The Committee comprised George Clark (legal chairman), Robert Buchan (surveyor member) and John Blackwood (housing member). Following the inspection of the Property the Private Rented Housing Committee held a hearing at The Angus Hotel, Blairgowrie, at which the Landlord's agent accepted that it was likely that the Committee would make a Repairing Standard Enforcement Order, but asked that the timescale for carrying out the work be generous, given the desire of the Landlord to support local tradesmen when instructing the work and the fact that it would be carried out as part of an overall refurbishment of the Property. The Committee proceeded to make a Repairing Standard Enforcement Order ("the Order"), giving the Landlord a period of 6 months within which to complete the works required by the Order, which was served on 16 June 2014.
3. On 16 December 2014, the Landlord's agent wrote to the Private Rented Housing Panel, advising that funding had been put in place to enable the Landlord to carry out the repair works required by the Order, as part of a refurbishment of the Property. The Landlord had obtained a report on the structural integrity of the Property, a builder had been instructed to carry out all the external repairs and a carpenter had been instructed to rebuild the kitchen and reinsulate the Property. The site had been cleared of all debris and the surrounding garden landscaped. As had been indicated at the hearing, the Landlord wished to use local tradesmen to carry out the refurbishment work and they were not able to start until January 2015. Accordingly, the Landlord was seeking an extension of six months to the time limit for carrying out the works required by the Notice.

4. The Committee determined on 22 December 2014, to grant the Landlord an extension of six months from the date of service of the Variation of the Repairing Standard Enforcement Order within which to complete the works required by the Order.
5. On 3 June 2015, the Landlord's agent wrote to the Private Rented Housing Panel, advising that the tradesmen instructed to carry out the work would not be able to complete it by the end of June. The agent requested a further short period to finalise the work, which was work to the second chimney, some internal joinery work, redecoration and refurbishing.

Summary of the issues

6. The issue to be determined was whether the extension requested by the Landlord should be granted and the Repairing Standard Enforcement Order accordingly varied under Section 25 of the Act.

Reasons for the decision

7. The Committee noted that the Property was vacant, as the Tenant had been re-housed in another property on the Landlord's estate and the Committee had accepted at the hearing that the works would take some time to complete and had, therefore, been prepared to grant a generous amount of time for the works to be undertaken. The view of the Committee was that the Landlord had made considerable progress and that it was reasonable to grant an extension of two months, as it appeared that the condition of the Property would be considerably improved as a result of the ongoing refurbishment, which went beyond merely restoring the Property so as to meet the repairing standard. The Tenant would not be prejudiced by the granting of an extension of the time limit for carrying out the works required by the Order.

Decision

8. The Committee proceeded to vary the Repairing Standard Enforcement Order in terms of Section 25 of the Act.
9. The decision of the Committee was unanimous

Right of Appeal

10. **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

11. 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 **G Clark** Date 8 June 2015
Chairperson ~