



**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 25 November 2016 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 six 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 25 November 2016 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 representation on behalf of the landlord in respect of the works required by the Repairing Standard Enforcement Order served on 16 June 2014, determined that the Order should be further varied, in that the Landlord should be given a further period of 6 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 6 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 refurnishing.
6. On 8 June 2015, the Committee determined to grant the Landlord a further extension of two 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.
7. The surveyor member of the Committee reinspected the Property on 9 September 2015 and, in his report dated 13 September 2015, which was issued to the Landlord and the Committee, it was observed that extensive renovation to the Property was being carried out, but that the contractor advised that the work would not be completed until sometime the following year.
8. On 1 October 2015, the Landlord's agent wrote to the Private Rented Housing Panel, requesting a further extension of twelve months for completion of the works required by the Repairing Standard Enforcement Order.
9. The Committee determined, on 8 October 2015, to grant the Landlord a further extension of 12 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. That 12 month period expired on 18 October 2016.
10. On 10 November 2016, the Landlord's agent wrote to the Private Rented Housing Panel, confirming that the structural work had been completed and that all that remained to be done was some internal decoration. The Landlord's agent advised that, once this work was completed, the Landlord would obtain a water test from the local authority.

### **Summary of the issues**

11. The issue to be determined was whether the Repairing Standard Enforcement Order should be further varied under Section 25 of the Act, to permit the Landlord a further period within which to complete the works required by the Order.

### **Reasons for the decision**

12. The Committee considered the letter from the Landlord's agent, which did not contain a request for a continuation for a specified period. The Committee recognised that this would be the fourth extension of the period for carrying out the works, but was satisfied that the Property was undergoing major refurbishment and would be very much improved when the scheme of works being undertaken was completed. The Committee agreed, therefore, that a further period should be permitted to enable all the works required by the Repairing Standard Enforcement Order to be completed. The Committee had always been mindful that the Landlord wished as much of the work as possible to be carried out by local tradesmen and, accepting that, and the fact that the Property was in a remote location with winter approaching, determined that the additional period to be given to the Landlord should be 6 months from the date of intimation of the Committee's decision.

### **Decision**

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

### **Right of Appeal**

15. **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**

16. 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... 25/11/16 .....  
Chairperson