



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/ RP/14/0214

Re : Property at 113 Oscar Road, Torry, Aberdeen AB11 8EL ("the Property")

The Parties:-

**William McKay Rae and Elaine Rae, 34 Sanday Road, Aberdeen AB15 6DT
("the Landlord")**

Gordon Rae, 113 Oscar Road, Torry, Aberdeen AB11 8EL ("the Tenant")

NOTICE TO WILLIAM MCKAY RAE and ELAINE RAE ("the Landlord")

The Private Rented Housing Committee having determined on 25 August 2015 that the **Repairing Standard Enforcement Order** relative to the Property served on 30 January 2015 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 respect:-

The steps which the Committee require the Landlord to take in complying with the Order are amended as follows:- by extending the period for compliance with the Order by 90 days from the date of intimation of this decision.

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 are executed by John McHugh, Solicitor, 3 Ponton Street, Edinburgh, Chairperson of the Private Rented Housing Committee at Edinburgh on 25 August 2015 before this witness:-

L KEMP

J MCHUGH

__ witness

_ Chairman

LEWIS KEMP name in full

3 PONTON STREET Address

EDINBURGH

EH3 9QA

SOLICITOR Occupation



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 25(1)
OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

Property at 113 Oscar Road, Aberdeen AB11 8EL (hereinafter referred to as
“the House”)

Gordon Rae, 113 Oscar Road, Torry, Aberdeen AB11 8EL (hereinafter referred
to as “the Tenant”)

William McKay Rae and Elaine Rae, 34 Sanday Road, Aberdeen AB15 6DT
(hereinafter referred to as “the Landlord”)

PRHP REFERENCE PRHP/RP/14/0214

DECISION

The Committee decided to vary the Repairing Standard Enforcement Order dated 14 January 2015 (“the Order”) by extending the period for compliance with the Order by 90 days from the date of intimation of this decision.

The Committee comprised the following members:

John McHugh, Chairperson
John Wolstencroft, Housing Member
David Godfrey, Surveyor Member

Reasons for the Decision

On 29 July 2015, the Surveyor Member of the Committee re-inspected the House and found that the works required by the Order had not been performed.

The Committee considered the information supplied by the parties regarding the attempts to perform the works.

There is disagreement on the detail between the parties, but it appears to be common ground that the Landlord has sent workmen on several occasions and that they have been refused access by the Tenant. The Tenant has apparently been concerned by the lack of prior notice of the arrival of the Landlord's workmen. The Tenant has involved the police.

There is a very acrimonious relationship between the Landlord and the Tenant who are members of the same family. We note however that the Landlord appears to have made some attempt to comply with the Order. Having regard to: the remaining works required; the potential for further disputes between the parties regarding access; and the terms of section 25(1), we consider that the variation of the Order to provide a further 90 days for compliance is reasonable.

In the event that the Committee determines at the end of the 90 day period that the works required by the Order have not been completed, it will then consider, on the available evidence, the reason for any such non-compliance and the degree to which the Landlord or Tenant are responsible for same. The Committee hereby gives the parties warning that it is likely to revoke the Order in the event that the available evidence tends to show that the Tenant has been responsible for the Landlord's inability to complete the works. In the event that the available evidence shows that the Landlord has failed to make reasonable efforts to perform the works, the Committee is likely to make a finding that the Landlord has failed to comply with the Order. The parties are therefore advised that they will be expected to be able to produce evidence of: the making of appointments to carry out works and the grant or refusal of access.

Decision

The Committee, considering the terms of section 25(1) of the Act, determined that the Order should be varied by extending the period for compliance with the Order by a further 90 days.

The decision of the Committee was unanimous.

Right of Appeal

Section 64 of the Act provides a right of appeal to a landlord or tenant aggrieved by a decision of a private rented housing committee. An appeal may be made to the Sheriff within 21 days of the Landlord or Tenant being informed of the decision.

Where such an appeal is made, the effect of the decision and 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.

J MCHUGH

John M McHugh
Chairperson

Date: 25 August 2015