



Notice of a decision to Vary
A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

PRHP Ref: PRHP/RP/14/0220

Property at: 71B Bannockburn Road, St Ninians, Stirling, FK7 0DG ("the property")

The Parties:-

Alana Tait, residing at 71B Bannockburn Road, St Ninians, Stirling, FK7 0DG ("the tenant")

and

Gerard Speed, residing at 11 Downie Place, Bannockburn, Stirling, FK7 8LG ("the landlord")

NOTICE TO Gerard Speed, residing at 11 Downie Place, Bannockburn, Stirling, FK7 8LG ("the landlord")

The Private Rented Housing Committee, having determined on 2 December 2014 that the Repairing Standard Enforcement Order relative to the property, served on 5th December 2014 should be varied. The said Repairing Standard Enforcement Order is hereby varied from the date of service of this notice in the following respect:

Requirement (c) of the Private Rented Housing Committee is withdrawn. The landlord is not required to pay the tenant the sum of £500

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 are signed Paul Doyle, solicitor, 24 Haddington Place, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 31 August 2015 before this witness:-
P Doyle

K Boettcher _____ witness

chairman

Kirsten Boettcher name in full

24 Haddington Place Address

Edinburgh

EH7 4AF

Secretary Occupation



Statement of Reasons for deciding to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

PRHP Ref: PRHP/RP/14/0220

Property at: 71B Bannockburn Road, St Ninians, Stirling, FK7 0DG ("the property")

The Parties:-

Alana Tait, residing at 71B Bannockburn Road, St Ninians, Stirling, FK7 0DG ("the tenant")

and

Gerard Speed, residing at 11 Downie Place, Bannockburn, Stirling, FK7 8LG ("the landlord")

NOTICE TO Gerard Speed, residing at 11 Downie Place, Bannockburn, Stirling, FK7 8LG ("the landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property determined that the RSEO should be varied to remove one of the requirements which may not be capable of enforcement in terms of Section 25(1) of the Housing (Scotland) Act 2006 ("the Act")

Background

1. Reference is made to the determination of the committee dated 2 December 2014, which determined that the Landlord had failed to comply with the duty imposed by section 14 (1)(b) of the Act, and that he failed to ensure that the property met the repairing standard. The works required by the RSEO were:

- (a) To install and operate a dehumidifier within the property for at least the 48 hours prior to carrying out the works required in (b) below to ensure that the property is properly cleared of excess moisture before the works required by part (b) below are carried out
- (b) To repair or replace the entire gas central heating system serving the property and then to obtain and deliver a satisfactory gas safety certificate to the Private Rented Housing Panel, 450 Argyle Street, Glasgow, G2 8LH

- (c) To pay to the tenant £500 as recompense for increased electricity use caused as a result of the inadequacy of the space heating system and to recompense the tenant for the cost of the operation of the dehumidifier required in part (a) above

All within 28 days of the date of service of the order.

2. The tenant has removed from the property and has not provided a forwarding address. At the time of her removal from the property the rent had fallen into arrears. The landlord advised the committee that he has not received payment from the tenant.

3. The Committee considered whether requirement (c) of the RSEO was enforceable, and decided that it was not. The Committee was satisfied that it was appropriate to vary the RSEO to remove requirement (c).

Decision

4. The decision of the Committee was unanimous

Right of Appeal

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

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.

P Doyle

Signed.....
Date..... 3/8/2015
Chairperson