



**Notice of Variation  
of  
A Repairing Standard Enforcement Order**

**Ordered by the Private Rented Housing Committee**

prhp Ref: PRHP/RP/14/0229

**THE PROPERTY**

**27A Queen Street, Helensburgh, G84 9QL, registered in the Land Register for Scotland under Title Number DMB64651 (“the Property”)**

**THE PARTIES**

**Mrs Margaret McGarry, residing at 8 Thorn Road, Bearsden, G61 4PP (the “Landlord”)**

**Ms Sandra Hill, formerly residing in the Property (the “Tenant and Applicant”)  
 (“the Tenant”)**

**(The tenancy under which the application was made, having been lawfully terminated, and the President having determined to continue with the determination of the application in terms of Minute of Continuation dated 12 December 2014 under Schedule 2 Paragraph 7(3) of the Act there was no tenant)**

**NOTICE TO THE LANDLORD**

The Private Rented Housing Committee having determined on 29 March 2016 that the **Repairing Standard Enforcement Order** relative to the Property dated 29 July 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:-

1. The period allowed for the completion of the work required by the order is extended for a further one month from the date of service of this Notice.

Subsection 25(3) of the Housing (Scotland) Act 2006 does/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 risen upon this and the preceding page are subscribed as follows:

D Preston

R Forbes

..Chairman

....

Witness

29.3.16.....Date of Signing

REBECCA FORBES.....Name

GLASGOW.....Place of Signing

EUROPA BUILDING.....Address  
450 ARGYLE STREET  
GLASGOW  
G2 8LL



**VARIATION OF REPAIRING STANDARD ENFORCEMENT ORDER UNDER SECTION 25  
OF THE HOUSING (SCOTLAND) ACT 2006**

**In respect of**

**27A Queen Street, Helensburgh, G84 9QL registered in the Land Register for  
Scotland under title number DMB64651 (the "Property")**

**The Parties:**

**Ms Sandra Hill, formerly residing in the Property (the "Tenant and Applicant")**

**(The tenancy under which the application was made, having been lawfully terminated, and the President having determined to continue with the determination of the application in terms of Minute of Continuation dated 12 December 2014 under Schedule 2 Paragraph 7(3) of the Act there was no tenant)**

**and**

**Mrs Margaret McGarry, residing at 8 Thorn Road, Bearsden, G61 4PP (the  
"Landlord")**

**PRHP Ref: PRHP/RP/14/0229**

**Committee Members – David M Preston (Chairperson); Mike Links (Surveyor  
Member); Liz Dickson (Housing Member) (the "Committee").**

**Decision**

**The Committee Hereby Varies the Repairing Standard Enforcement Order  
(RSEO) dated 29 July 2015 to extend the time within which the Works specified  
therein will be extended by one month from the date of service of this Notice of  
Variation.**

**Reasons**

- 1. Following the expiry of the time limit specified in the RSEO for the Works to be carried out, the surveyor member of the Committee carried out a re-inspection of the property on 2 March 2016.**

2. The report noted that a satisfactory Periodic Inspection Report for the electrical installation had been provided but that the smoke detection system remained the same as seen at the inspection, apart from the removal of one of the smoke detectors.
3. A re-inspection report dated 3 March 2016 was issued to the landlord for her comments. On 14 March 2016 the landlord responded and confirmed the information she gave to the surveyor that neighbours had complained about one of the fire alarms repeatedly going off in the empty property and she had removed the battery. She advised that the other alarm remained in place. She also confirmed that the house was no longer a rental property as she was moving in to it on 31 March 2016 and had de-registered from the Register of Landlords on 14 July 2015. She had also told the surveyor that she proposed to remain in the property until she purchased a house more suitable for her and that she had no intention of letting it out.
4. The RSEO had referred the landlord to the recommendations contained in BS5839 in relation to smoke alarm and fire detectors that meet the standard as set by building regulations and the revised Domestic Technical Handbook guidance on the requirements for smoke alarms. The Committee noted that the property did not conform to those recommendations.
5. The Committee noted the landlord's intentions with the property and that it had been removed from the private rented sector. However as at the date of the application by the former tenant the property was subject to the provisions of the Act and the application was duly referred to the Committee by the President in accordance with section 23 of the Act. Having been so referred, in terms of section 24(1) of the Act, the Committee must decide whether the landlord has complied with the duty imposed by section 14(1)(b) and where it decides that the landlord has failed to comply with that duty, it must, by RSEO require the landlord to carry out such work as is necessary to ensure that the house concerned meets the repairing standard.
6. The landlord argued that because the property was not being re-let and would be sold, she should not be required to bring it up to the required standard. At the hearing, Mr Mcfarlane had presented this argument, which had been rejected by the Committee for the reasons set out in paragraph 19.a of the Statement of Reasons dated 27 July 2015. The only thing which had changed since that date was that the landlord had taken, or was about to take occupation of the property as an owner occupier.
7. The Committee was of the view that were it to discharge the RSEO, if the landlord changed her mind and sought to re-let the property, or if a purchaser bought the property for the purpose of letting it, it would in effect have been

accepted that the property met the repairing standard insofar as the smoke and fire detection system was concerned.

8. In light of the re-inspection report and the admission by the landlord that the property did not conform to the recommendations referred to in paragraph 4 above, the Committee determines that the property continues to fail to meet the repairing standard.
9. The Committee considers that its options are to: issue a Notice of Failure with the consequence that the matter would be referred to the police for potential prosecution under section 28(1) of the Act; or to provide further time for the landlord to comply with the RSEO.
10. On balance the Committee determines the landlord should have a further opportunity to install a satisfactory adequate fire and heat detection system and that a period of one month would be a reasonable time within which to carry out the necessary work.

29-Mar-16

D Preston

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CHAIRMAN

Signed by: DAVID MICHAEL PRESTON