



**Decisions of Private Rented Housing Committee
under Sections 25(2) and 60 (5) of the Housing (Scotland) Act 2006**

Statement of Reasons for Decisions of the Private Rented Housing Committee

(Hereinafter referred to as "the Committee")

Under Sections 25(1) and 60(5) of the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/14/0239

Re : 66 (F1) East Claremont Street, Edinburgh EH4 4JR ("the Property")

Title : ALL and WHOLE that dwellinghouse being the east half of the first floor or flat above the ground of the tenement known as and numbered sixty-six East Claremont Street (formerly seventeen East Claremont Terrace), Edinburgh comprising the subjects disposed by Douglas John Stewart and Fiona Maclean in favour of Colin James Walker dated seventeenth and twenty-fifth both days of November in the year Nineteen hundred and eighty-eight and recorded in the Division of the General Register of Sasines for the County of Midlothian on the sixteenth day of February in the year Nineteen hundred and eighty-nine; together also with (One) the fittings and fixtures therein and thereon; (Two) the whole parts privileges and pertinents thereof; and (Three) the proprietor's whole right title and interest present and future therein and thereto ("the Property")

The Parties:-

Natalie Skinner, 66 (F1) East Claremont Street, Edinburgh EH4 4JR ("the Former Tenant")

Colin James Walker, 144 Craiglea Drive, Edinburgh EH10 5PR ("the Landlord") care of his agents CMC Property Group Limited, 6B New Mart Road, Edinburgh EH14 1RL

The Committee comprised:-

Mr David Bartos	- Chairperson
Mr Ian Mowatt	- Surveyor member
Ms Sally Wainwright	- Housing member

Decisions

The Committee vary the Repairing Standard Enforcement Order issued on or about 3 March 2015 by omitting part (d) of the Order.

The Committee certify that the work required by the Repairing Standard Enforcement Order above relating to the Property, as varied above, has been completed.

Background:-

1. On 10 June 2015 the Committee's surveyor member carried out a re-inspection of the works required by the Repairing Standard Enforcement Order ("RSEO") issued on or about 3 March 2015 in respect of the Property. The Landlord and a representative of the Landlord's agents were present.
2. The report prepared by the surveyor member indicated that the RSEO had been materially complied with. Only the invoices in respect of the works in parts (a) to (c) of the RSEO had not been provided to the Committee. In all other respects the RSEO had been complied with.
3. In particular the works relating to the elimination of penetrating dampness in the kitchen appeared to have been satisfactorily completed and there was no evidence of continuing dampness present.
4. The evidence before the Committee consisted of:-
 - The PRHP Re-inspection report for the Property
 - Report from MacFadyen Preservation dated 13 March 2015
 - Quotation from Buckstone Roofing dated 23 March 2015
 - Quote from Burgh Glazing dated 20 April 2015
 - Letter of receipt of payment from MacFadyen Preservation dated 21 May 2015 with certificate of guarantee

Findings of Fact

5. Having considered all the evidence, the Committee found the following facts to be established:-
 - (a) The RSEO dated 2 March 2015 was served on the Landlord on 3 March 2015. As at 10 June 2015 the works sought in parts (a), (b), (c), (e), and (f) of the RSEO had been carried out as stated in the Re-inspection Report.
 - (b) The invoices evidencing the carrying out of the works sought in part (d) of the RSEO have not yet been received.

Reasons for Decision

6. In determining whether to revoke the RSEO the Committee took the view that the works sought had in substance been carried out. Satisfactory progress had been made with only the provision of the invoices not having been carried out within the timescale required by the RSEO.
7. In these circumstances the Committee was obliged to vary the RSEO to either extend the time by which the invoices required to be supplied or to make such other variation as it saw fit. Given that the substantial requirements of the RSEO had been completed and the absence of any

evidence of continuing dampness, the Committee decided to dispense with the requirement to produce the invoices in relation to the work that had been carried out and varied the RSEO to omit that requirement.

- 8. The rest of the work in the RSEO having been completed, the Committee decided to issue a certificate of completion.

Decision

- 9. The decisions of the Committee as set out above was unanimous.

Rights of Appeal

- 10. A landlord or tenant aggrieved by either decision of the Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.
- 11. Unless the lease or tenancy between the parties has been brought to an end, the appropriate respondent in such appeal proceedings is the other party to the proceedings and not the Private Rented Housing Panel whose Committee which made the decision.

Effects of Section 63 of the 2006 Act

- 12. Where such an appeal is made, the effect of these decision and of any Order or Certificate made in consequence of them is suspended until the appeal is abandoned or finally determined.
- 13. Where the appeal is abandoned or finally determined by confirming a decision, the decision and any Order or Certificate made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined
D Bartos

Signed Date: 18 June 2015.....

David Bartos, Chairperson

Signature of Witness. L Galloway Date..... 18 JUNE 2015

Name of witness: LUCY GALLOWAY

Address: 7 WHITE DALES EDINBURGH EH10 7JQ

Occupation of witness: SOLICITOR



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

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/14/0239

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NOTICE TO The Parties

The Private Rented Housing Committee having determined on 15 June 2015 that the **Repairing Standard Enforcement Order** relative to the Property dated 2 March 2015 should be varied, the said **Repairing Standard Enforcement Order is hereby varied** with immediate effect in the following respects:-

1. part (d) of the Order is omitted.

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 and the preceding page(s) are executed by David Bartos, Advocate, Parliament House, Parliament Square, Edinburgh EH1 1RF, chairperson of the Private Rented Housing Committee at Edinburgh on 18 June 2015 before this witness:-

D Bartos

____ (_____) chairman

L Galloway _____ witness

LUCY MAY GALLOWAY name in full

7 WHITEDALES Address

EDINBURGH

E410 7JQ

SOLICITOR Occupation