



## **Determination by Private Rented Housing Committee**

### **Statement of decision of the Private Rented Housing Committee under Section 25 of the Housing (Scotland) Act 2006**

**Re 73 Henry Street, Langholm, DG13 0AR being the subjects registered in the land Register of Scotland under title number DMF18802 ('The Property')**

#### **The Parties:-**

**Alan R Currie residing formerly at 73 Henry Street, Langholm, DG13 0AR ('The former Tenant')**

**Catherine Morrison residing at Harbour View, Morvern Hill, Oban, PA34 4RW and James Kilcullen residing at 3 Barclay Court, Old Kilpatrick, Glasgow, G60 5HX ('The Landlords')**

**Case Ref No: PRHP/RP/14/0242**

**The original Committee members were Jacqui Taylor (Chairperson), Alexander Carmichael (Surveyor Member) and Ahsan Khan (Housing Member). Alexander Carmichael and Ahsan Khan resigned from considering this case after the variation of the RSEO on 26<sup>th</sup> October 2015 and George Campbell (Surveyor member) was appointed in their place.**

#### **Decision**

**The Committee, having considered the Landlords representations for the purposes of determining whether the Repairing Standard Enforcement Order should be revoked or varied determined that the order should varied.**

#### **Background**

**1. The Repairing Standard Enforcement Order relative to the Property dated 16<sup>th</sup> April 2015 (hereinafter referred to as 'RSEO') required the Landlords to:-**

- (1) Repair the solid fuel fire, flue and chimney stack to render them in a reasonable state of repair and proper working order.**
- (2) Repoint the gable wall as required to render it in a reasonable state of repair and proper working order.**
- (3) Repair the back boiler to render it in proper working order.**
- (4) Repair or replace the broken bath.**
- (5) Repair or replace the front and back doors to render them wind and water tight.**
- (6) Repair the rear garden fence.**
- (7) Repair the broken guttering at the rear of the Property.**
- (8) Install smoke alarms in the living room and hall of the Property and install a heat alarm in the kitchen of the Property. All alarms to be hardwired and interlinked and comply with the Repairing Standard.**

**The RSEO specified that these works must be carried out and completed by 31<sup>st</sup> July 2015.**

On 26<sup>th</sup> October 2015 the Committee members, Jacqui Taylor and Alexander Carmichael determined that items (5) (7) and (8) of the Repairing Standard Enforcement Order had been satisfactorily completed. They revoked items (5), (7) and (8) of the RSEO and further agreed to vary the RSEO to extend the period for completion of items (1),(2),(3),(4) and (6) of the RSEO to 30<sup>th</sup> April 2016.

#### **Inspection**

4. On 11<sup>th</sup> May 2016 the surveyor member George Campbell inspected the Property and in relation to the required repairs he found that the required works had been satisfactorily completed with the exception of the required repair to the rear fence. Photographs were taken during the re-inspection and are attached as a Schedule to this report.

#### **Hearing**

5. The Landlord was sent a copy of the reinspection report and advised that the fence would be repaired within six weeks.

#### **Decision**

6. The Committee considered the Landlord's submissions. They acknowledged that the Landlord had completed the majority of the required works and there is no Tenant residing in the Property. Accordingly they agreed to vary the RSEO to allow the Landlord until 10<sup>th</sup> July to repair the garden fence.
7. The Committee therefore decided that they would vary the RSEO as stated and they would revoke items (1), (2), (3) and (4) of the RSEO as these works have been satisfactorily completed.
8. The decision of the Committee was a majority decision.

#### **Right of Appeal**

9. 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**

10. 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.

J Taylor

Signed .....  
Chairperson

..... Date 21<sup>st</sup> June 2016



## PRHP Re-inspection report



**Property:** 73 Henry Street, Langholm DG13 0AR

**Ref no:** PRHP/RP/14/0242

**Surveyor:** George Campbell

**Weather:** Sunny and very warm.

**Access:** Wednesday 11 May 2016 at 11.30 hours.

In attendance:

James Kilcullen and Catherine Morrison, the Landlords.

**RSEO:** The Private Rented Housing Committee, in the RSEO variation dated 26 October 2015, required the Landlord to:-

1. Repair the solid fuel fire, flue and chimney stack to render them in a reasonable state of repair and proper working order.
2. Repoint the gable wall as required to render it in a reasonable state of repair and proper working order.
3. Repair the back boiler to render it in proper working order..
4. Repair or replace the broken bath.
6. Repair the rear garden fence.

### **Works in RSEO undertaken:**

At inspection, all of the above requirements had been completed except for Item 6.

### **Works in RSEO outstanding:**

The repair to the rear garden fence has not yet been done. The Landlords have sourced a suitable timber supply from the Buccleuch Estates in Langholm and expect the fence repair work to be completed in the near future.

George Campbell, Surveyor

Dated: 11 May 2016

Photographs taken at 73 Henry Street, Langholm DG13 0AR on 11 May 2016 (PRHP/RP/14/0242)



01 - Front elevation (taken at initial inspection)



02 - New multi-fuel stove (with new back boiler)



03 - New bath (fitted and operational)



04 - Gable wall (roughcast except for chimney head)



05 - Chimney head (part brick & part stone block)



06 - Outside fence (not repaired)



**Notice of a decision to Vary**  
**A Repairing Standard Enforcement Order**

**Ordered by the Private Rented Housing Committee**

**Re 73 Henry Street, Langholm, DG13 0AR being the subjects registered in the land Register of Scotland under title number DMF18802 ('The Property')**

**The Parties:-**

**Alan R Currie residing formerly at 73 Henry Street, Langholm, DG13 0AR ('The former Tenant')**

**Catherine Morrison residing at Harbour View, Morvern Hill, Oban, PA34 4RW and James Kilcullen residing at 3 Barclay Court, Old Kilpatrick, Glasgow, G60 5HX ('The Landlords')**

**Case Ref No: PRHP/RP/14/0242**

**NOTICE TO The Landlords.**

The Private Rented Housing Committee having considered the Landlords' application to have The **Repairing Standard Enforcement Order** ('RSEO') revoked or varied determined that the RSEO should be VARIED as follows:

1. The following items of the RSEO should be revoked as these items have been satisfactorily completed:

- (1) Repair the solid fuel fire, flue and chimney stack to render them in a reasonable state of repair and proper working order.
- (2) Repoint the gable wall as required to render it in a reasonable state of repair and proper working order.
- (3) Repair the back boiler to render it in proper working order.
- (4) Repair or replace the broken bath.

2. The date for completion of the following outstanding works:

- (6) Repair the rear garden fence.

is extended to July 10th 2016.

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 typewritten on this and the preceding page are executed by Jacquil Taylor, Solicitor, Chairperson of the Private Rented Housing Committee at Irvine on 21<sup>st</sup> June 2016 before the undernoted witness:**

J Taylor

Signed.....

Chairperson

K Byrne

..... Date 21<sup>st</sup> June 2016

..... witness: KEIRSTEN BYRNE, 65, High Street, Irvine