



## Statement of decision of the Private Rented Housing Committee under Section 25 (1) of the Housing (Scotland) Act 2006

prhp Ref: PRHP/RP/14/247

Re: Property at GFR 10 Raeburn Place, Rosemount, Aberdeen, AB25 1PS  
("the Property")

### The Parties:-

MS SHEILA ANDERSON formerly residing at GFR 10 Raeburn Place, Rosemount, Aberdeen, AB25 1PS ("the Tenant")

MR GEOFFREY CHALMERS c/o 32 King Street, Aberdeen, AB24 5AX (represented by his agent Mr Cliff Caie, Lett's & Co. Properties, 32 King Street, Aberdeen) ("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 landlord should be given an extension of six months to the period allowed for completion of the works required in terms of Section 25(1) of the Housing (Scotland) Act 2006 ("the Act").

### Background

1. Reference was made to the determination of the Committee dated 22 April 2015 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1B) of the Act and that he had failed to ensure that the Property met the Repairing Standards. The works required by the RSEO were: -
  - A. The Property is wind and watertight and in all other respects reasonably fit for human habitation;
  - B. The structure of and exterior of the Property (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order;
  - C. The installations in the Property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order;
  - D. Any fixtures, fittings and appliances provided by the Landlords under the tenancy are in a reasonable state of repair and in proper working order.

The RSEO gave the Landlord four month's to carry out the works.

2. On 15 September 2015, Mr Colin Hepburn, the Surveyor Member of the Committee, carried out a re-inspection of the Property. The Property was now vacant, the Tenant having left since the date of the original inspection. The Landlord's agent Mr Cliff Caie was in attendance to provide access.

The surveyor re-inspected the property and reported to the Committee. A clear electrical installation condition report had been obtained as had a clear gas safety certificate. The Landlords agent also provided a specialist report which suggested that there was no evidence of rot within the Property. However, the report did indicate that the wall to the

front and party wall were excessively damp and the walls would require to be stripped and relined. The Landlords agent indicated that he was trying to obtain competitive quotes for the work required.

The Landlords agent also indicated that the local authority had carried out some investigation of the water ingress issues in light of their ownership of a flat within the same block. Their contractor had indicated that the likely cause of the damp ingress was the box gutter on the front elevation, although the surveyor member noted that the gutter was clear of debris with no obvious defect. Damp meter readings taken internally indicated that the plaster finishes were still damp. It could not yet be established whether the water ingress had been effectively dealt with.

The Committee (comprising Mr E K Miller, Chairman and Legal Member, Mr C Hepburn, Surveyor Member and Mr J Wolstencroft, Housing Member) considered matters further. It was clear that whilst the Landlord and his agent had addressed a number of the points, a satisfactory resolution of the damp penetration problems had not yet taken place. The Committee accepted that the Landlords agent was trying to address the issues and that further investigation and works was required.

The Committee noted that the Tenant had left the Property and therefore there was no party suffering as a result of the outstanding issues.

The Committee also noted that the Landlord was not receiving any income from the Property and would not be able to re-let the Property until such time as the RSEO was lifted (it is a criminal offence to re-let a Property whilst a RSEO is in place).

In the circumstances and given the difficulty in identifying and rectifying the cause of the water penetration the Committee was satisfied that it would be appropriate to give an extension to the Landlord to allow them further time to address the outstanding issue. The Committee was satisfied that a further period of six months would be appropriate.

#### **Decision**

3. The decision of the Committee was to grant the Landlord a period of six months from the date of this decision to comply with the RSEO.
4. The decision of the Committee was unanimous.

#### **Right of Appeal**

5. **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**

6. 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.

Signed E Miller Date 30/11/15  
Chairperson