



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

Ref prhp/rp/15/0012

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 by James Smith residing at 1B, Hozier Street, Coatbridge ML5 4LB ("the Tenant") against PCM Property Developments Ltd, having a place of business at 36, Wood Street, Coatbridge ML5 1LY ("the Landlords")

Re: Property: 1B, Hozier Street, Coatbridge ML5 4LB ("the Property") being the subjects registered in the Land Register for Scotland under Title Number LAN19855

Committee Members

Karen Moore (Chairperson)

Charles Reid Thomas (Surveyor Member)

Colin Campbell (Housing Officer)

**NOTICE TO THE LANDLORDS**

**PCM Property Developments Ltd,**

**having a place of business at 36, Wood Street, Coatbridge ML5 1LY**

Whereas in terms of their decision dated 30 July 2015, the Private Rented Housing Committee determined that the Repairing Standard Enforcement Order dated 28 January 2015 made by them in relation to the Property be varied, the Committee hereby varies the Repairing Standard Enforcement Order as follows:-

the Private Rented Housing Committee now requires the Landlords to carry out the following works (or other such works as are necessary for the purposes of ensuring that the Property meets the Repairing Standard and that any damage caused by carrying out of the works in terms of the Order is made good.):-

The Landlords in respect of the roof of the Property must:-

1. no later than 14 August 2015 confirm to the Committee in writing (i) that the aftermentioned Roof Inspection has been instructed and (ii) the date on which the Roof Inspection will take place, which date must be no later than 4 September 2015;
2. ensure that a fully documented inspection ("the Roof Inspection") and report on the roof of the Property ("the Roof Inspection Report") including the chimneys and chimney heads, the ridges, skewes, flashings, gutters and the supporting beams and sub-structure, the purpose of which report is to recommend works to the whole roof, including replacement if necessary, to ensure that the roof is made wind and watertight and free of rot is carried out by a competent, reputable roofing contractor, being a roofing contractor capable of providing a 30 year guarantee;
3. ensure that no later than 11 September 2015 a copy of the Roof Inspection Report is submitted to the Committee;
4. no later than 4 October 2015 commence the works as recommended by the Roof Inspection Report and confirm in writing to the Committee the date on which the works will commence;
5. no later than 4 January 2016, complete the works as recommended by the Roof Inspection Report and confirm in writing to the Committee that the works have been completed;

The Landlords in respect of the structure of the Property must:-

6. no later than 14 August 2015 confirm to the Committee in writing (i) that the Building Inspection has been instructed and (ii) the date on which the inspection will take place, which date must be no later than 4 September 2015;
7. ensure that a fully documented inspection ("the Building Inspection") and report on the structure of the Property ("the Building Inspection Report") including the external walls, including the window surrounds, and internal walls, the purpose of which report is to recommend works to the external structure to ensure that the Property is made wind and watertight and is structurally stable and to recommend works to the internal walls to ensure that these are free of dampness is carried out by a competent, reputable building contractor, being a building contractor capable of providing a defects liability guarantee;
8. ensure that no later than 11 September 2015 a copy of the Building Inspection Report is submitted to the Committee;
9. no later than 4 October 2015 commence the works as recommended by the Building Inspection Report and confirm in writing to the Committee the date on which the works will commence;

10. no later than 4 January 2016, complete the works as recommended by the Building Inspection Report and confirm in writing to the Committee that the works have been completed;

In addition, the Landlords must:-

11. on the last day of each calendar month from the 31 August 2015 until the works ordered above are completed, submit a written report on the progress of the said works ("the Monthly Report") to provide the Committee with detail of the works completed, the works in progress and the progress of any grant application made by the Landlords to North Lanarkshire Council, including copies of all correspondence between the Landlords and North Lanarkshire Council during that month in respect of grant assistance. If works are delayed, the Monthly Report must provide the Committee with an explanation for the delay;

12. no later than 5 February 2016, make good all internal decoration in the Property affected as a result of the works.

A Landlord or a Tenant aggrieved by the decision of the Private Rented Housing Committee may appeal to the Sheriff by summary application within twenty one days of being notified of that decision.

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.

In Witness Whereof these presents printed on this and the two preceding pages are subscribed by Karen Moore, Chairperson, at Glasgow on 30 July 2015 before this witness, Norman William Moore, solicitor, Cumbernauld

W Moore

K Moore

*Witness*



**Determination by Private Rented Housing Committee**  
**Statement of Decision of the Private Rented Housing Committee issued under**  
**Section 24(1) of the Housing (Scotland) Act 2006**

Ref prhp/rp/15/0012

In respect of an application lodged in terms of Section 22(1) of the Housing (Scotland) Act 2006 by James Smith residing at 1B, Hozier Street, Coatbridge ML5 4LB ("the Tenant") against PCM Property Developments Ltd, having a place of business at 36, Wood Street, Coatbridge ML5 1LY ("the Landlords")

Re: Property: 1B, Hozier Street, Coatbridge ML5 4LB ("the Property") being the subjects registered in the Land Register for Scotland under Title Number LAN19855

**Decision**

The Committee determined to vary the Repairing Standard Enforcement Order made by the Committee and dated 28 January 2015 in relation to the Property.

**Background**

1. On 28 January 2015, the Committee issued a determination that the Landlords had failed to comply with the duty imposed on them by Section 14 (1) (b) of the Act in respect that the Property does not meet the Repairing Standard in respect of Sections 13 (1) (a) of the Act. On the same date, the Committee issued a Repairing Standard Enforcement Order (RSEO).
2. The Repairing Standard Enforcement Order required the Landlords to :-
  1. (a) *within fourteen calendar days of the date of this Order, instruct a competent, reputable roofing contractor, being a roofing contractor capable of providing a 30 year guarantee, to carry out, within twenty eight days of the Landlords' instruction, a fully documented inspection and report ("the Roof Report") on the roof of the Property including the chimneys and chimney heads, the ridges, skews, flashings, gutters and*

*the supporting beams and sub-structure, the purpose of which report is to recommend works to the whole roof, including replacement if necessary, to ensure that the roof is made wind and watertight and free of rot;*

*(b) within seven calendar days of the date the Roof Report, submit a copy of the report to the Committee;*

*(c) within two calendar months of the date the Roof Report, commence the works as recommended by the Roof Report and confirm in writing to the Committee that the works have commenced;*

*(d) within three calendar months of the date of commencement of the works as specified in paragraph 1(c) above, complete the works as recommended by the Roof Report and confirm in writing to the Committee that the works have been completed;*

*2. (a) within fourteen calendar days of the date of this Order, instruct a competent, reputable building surveyor, to carry out, within twenty eight days of the Landlords' instruction, a fully documented inspection and report ("the Building Report") on the structure of the Property including the external walls, including the window surrounds, and internal walls, the purpose of which report is to recommend works to the external structure to ensure that the Property is made wind and watertight and is structurally stable and to recommend works to the internal walls to ensure that these are free of dampness;*

*(b) within seven calendar days of the date the Building Report, submit a copy of the report to the Committee;*

*(c) within two calendar months of the date the Building Report, commence the works as recommended by the Building Report using a competent, reputable building contractor capable of providing a 30 year guarantee and confirm in writing to the Committee that the works have commenced;*

*(d) within three calendar months of the date of commencement of the works as specified in paragraph 2(c) above, complete the works as recommended by the Building Report and confirm in writing to the Committee that the works have been completed and*

*3. Within two calendar months of the date of completion of the works recommended by the Roof Report and the Building Report, make good all internal decoration in the Property affected as a result of these works.*

3. On 18 May 2015, the Landlords submitted to the Committee a copy of an estimate dated 25<sup>th</sup> March for re-covering the roof. On 30 June 2015, the Tenant wrote to the Committee advising that there had been no contact from the Landlords. Accordingly,

on 3 July 2015, the Committee wrote to the Landlords to ask them to clarify if the invoices intended to satisfy the terms of the RSEO. The Committee also wrote to the Tenant on that date to advise of the status of the RSEO. The correspondence was copied to both parties.

4. On 7 July, the Landlords submitted a letter to the Committee stating that the Landlords were awaiting grant forms from North Lanarkshire Council in respect of a new roof. The Landlords made no reference to the RSEO nor did the Landlords submit reports as required by the RSEO.

#### Reasons for the Decision of the Committee

5. It was of great concern to the Committee that, whilst the overall time scale for compliance of the RSEO has not yet elapsed, the Landlords have failed to comply with interim timescales and appear to fail to comprehend the terms of the RSEO. Notwithstanding the terms of the Committee's letter of 3 July 2015, it appears to the Committee that the Landlords are ignoring the content and effect of the RSEO and that the Landlords are of a view that all that is required of them is that they apply for grant assistance from the local authority.
6. The Committee are also most concerned that, in spite of the terms of the Committee's Decision, the Landlords appear to fail to appreciate the extent of the disrepair to the Property and its effect on the health and safety of their Tenant.
7. The Committee are mindful that the Tenant is in his eighties and is living in a home which is exposed to the elements, is excessively damp and appears to be structurally unsound.
8. Accordingly, the Committee determined that the RSEO dated should be varied to focus the Landlords' attention on the precise elements of the Repairing Standard to which they should attend and the immediacy by which this should be done.
9. The Committee draw the Landlords' attention to Section 28(1) of the Act which states that a landlord who, without reasonable excuse, fails to comply with a repairing standard enforcement order commits an offence.
10. The Committee then proceeded to vary the RSEO in terms of Section 25 of the Act

11. The decision of the Committee is unanimous

Right of Appeal

13. The parties' attention is drawn to the terms of Section 64 (4) of the Act regarding their right to appeal and the time limit for doing so. It provides that a landlord or tenant aggrieved by a decision of a private rented housing committee may appeal to the Sheriff within a period of 21 days of being notified of the decision.

14. Where an appeal is made, the effect of the appeal is that the determination of the committee 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

K Moore

Karen Moore, Chairperson

Date 30.07.2015