



**Notice of Variation  
of  
A Repairing Standard Enforcement Order  
Ordered by the Private Rented Housing Committee**

**prhp ref: RP/15/0031**

**Re 8 Howgate Street, Dumfries, DG2 7AE being the subjects registered in the Land Register of Scotland under title number DMF 559 ('the Property')**

**The Parties:-**

**Mr Andrew Tolmie, 8 Howgate Street, Dumfries, DG27AE ("The Tenant")**

**Mr Victor Singh, residing at Beechwoodbank, Nith Bank, Dumfries, DG1 2RZ ('The Landlord')**

**NOTICE TO Mr Victor Singh ("the Landlord")**

The Private Rented Housing Committee having determined on 27<sup>th</sup> May 2016 that the **Repairing Standard Enforcement Order** relative to the Property dated 13<sup>th</sup> May 2015 as varied on 17<sup>th</sup> June 2015 and further varied on 3<sup>rd</sup> November 2015 should be further varied, the said **Repairing Standard Enforcement Order is HEREBY VARIED** with effect from the date of service of this Notice in the following respect:-

**The period allowed for the completion of the work required by the order is extended until 31<sup>st</sup> October 2016.**

Section 25(3) of the Housing (Scotland) Act 2006 does 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.**

out the work. He said that he did not have funding to carry out the work due to ongoing litigation he is involved in. he said that he hoped that this would be resolved and sought an extension of time to the end of 2016. He said that this should be the last extension required.

### **Reasons for the Decision**

1. The Committee accepted that the works had not been done and considered it reasonable to allow the landlord more time to do them.
2. In arriving at its decision the committee took cognisance of the fact that the Property is not currently subject to a tenancy and that, in terms of Section 28(5) of the Act, the landlord would be committing an offence if he enters into a tenancy at any time during which a RSEO has effect in relation to the Property.
3. The Committee considered whether or not it would be reasonable to grant a variation of the RSEO to allow the Landlord until the end of December to carry out the work. On balance the Committee considered that it was reasonable to grant the variation to 31<sup>st</sup> October in view of the fact that the RSEO had been made on 13<sup>th</sup> May 2016.

### **Right of Appeal**

**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**

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.

M McAllister

Signed ...

Date 27<sup>th</sup> May 2016

Martin J. McAllister  
Chairperson



## Determination by Private Rented Housing Committee

### Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006

prhp ref: RP/15/0031

Re 8 Howgate Street, Dumfries, DG2 7AE being the subjects registered in the Land Register of Scotland under title number DMF 559 ('the Property')

#### The Parties:-

Mr Andrew Tolmie, 8 Howgate Street, Dumfries, DG27AE ('The Tenant')

Mr Victor Singh, residing at Beechwoodbank, Nith Bank, Dumfries, DG1 2RZ ('The Landlord')

#### Decision

The Committee having considered the representations of the Landlord that he has been unable to comply with the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 13<sup>th</sup> May 2015 as varied on 17<sup>th</sup> June 2015 and further varied on 3<sup>rd</sup> November 2015 determines that there should be a further variation of the Repairing Standard Enforcement Order in terms of Section 25(1) (a) of the Housing (Scotland) Act 2006 ("the Act"). The RSEO is varied as follows:

**The works detailed in the RSEO must be carried out by 31<sup>st</sup> October 2016.**

The Committee comprised the following members – Mr Martin McAllister, Chairperson; Mr. George Campbell, Surveyor Member; and Mr Jim Riach, Housing Member.

#### Findings in Fact

1. A Repairing Standard Enforcement Order (RSEO) relative to the house dated 13<sup>th</sup> May 2015 was issued requiring works as specified in the Order to be completed within twenty eight days of service of the RSEO.
2. On 12<sup>th</sup> June 2015 the Landlord wrote to the Committee indicating that the works detailed in the RSEO could not be completed within the timescale specified in the RSEO. He said that he had received six months exemption from Council Tax for the Property and was in the middle of a big project at the Property. The Committee granted a variation of the RSEO on 17<sup>th</sup> June 2015 and determined that the works in terms of the RSEO require to be completed by 12<sup>th</sup> December 2015.
3. On 27<sup>th</sup> October 2015 the Landlord wrote to the Committee seeking further time to carry out the work. He said that he had applied to Dumfries and Galloway Council for exemption from payment of Council Tax for the period to 31<sup>st</sup> May 2016. The Landlord said that he was unable to complete the work owing to pressure of business and availability of funding. The Landlord indicated that he was seeking until 31<sup>st</sup> May to complete the work required. The Committee granted a variation and determined that the works in terms of the RSEO require to be completed by 31<sup>st</sup> October 2016.
4. On 20<sup>th</sup> May 2016 the Landlord wrote to the Committee seeking further time to carry

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.

M McAllister

Chairman

**Martin J. McAllister**

**At SALTCOATS on 27<sup>th</sup> May 2016 before**

**Paula Sinclair, Paralegal, Witness**

P Sinclair

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**51 Hamilton Street, Saltcoats, KA21 5 DX**