



**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 30th October 2015 that the **Repairing Standard Enforcement Order** relative to the Property dated 13th May 2015 as varied on 17th June 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 31st May 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.

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.

MJ McAllister

Chairman

Martin J. McAllister

**At SALTCOATS on 3rd November 2015
before Paula Sinclair, Paralegal, Witness**

P Sinclair

51 Hamilton Street, Saltcoats, KA21 5 DX



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 13th May 2015 as varied on 17th June 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 31st May 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 13th 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 12th 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 17th June 2015 and determined that the works in terms of the RSEO require to be completed by 12th December 2015.
3. On 27th 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 31st 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 31st May to complete the work 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.


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.

MJ McAllister

Signed 

Martin J. McAllister
Chairperson

..... Date 3rd November 2015