

Notice of a Decision to Vary a Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee
Under section 25 of the Housing (Scotland) Act 2006
Ref: PRHP/RP/15/0044

Property: the Old Kirk Cottage, Eassie, Forfar, Angus DD8 1SG

Title Number:ANG 1709

Landlord: Alexander Hugh Pattullo and Heather Ann Pattullo
per Wardhaugh Property Management, 38 East High Street Forfar

Former tenants: Natalie Molloy and John Molloy
formerly of The Old Kirk Cottage, Eassie

Notice to Alexander Hugh Pattullo and Heather Ann Pattullo (the landlord)

The Private Rented Housing Committee having determined on 5th October 2015 that the Repairing Standard Enforcement Order relative to the property dated 29th May and served on 2nd June 2015 should be varied, the said Repairing Standard Enforcement Order is hereby varied with effect from the date of service of this Notice in the following respects:-

The period allowed for the completion of the work required by the order is extended for a further three months.

Section 25(3) of the Housing (Scotland) Act 2006 applies in this case.

A landlord or 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.

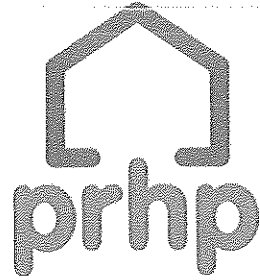
In witness whereof these presents are subscribed by Anne McCamley chairman of the Private Rented Housing Committee at Edinburgh on 6th October 2015 in the presence of Murdoch McCamley retired Chartered Accountant of 5b Wester Coates Terrace Edinburgh

M. McCAMLEY

(Signature)

A. McCAMLEY

(Signature)



**Determination
by the Private Rented Housing Committee**

**Statement under and in terms of
Housing (Scotland Act) 2006
Section 25**

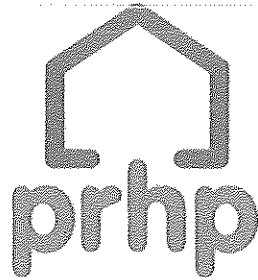
Property: The Old Kirk Cottage, Eassie, Forfar, Angus

**Landlord: Alexander Hugh Pattullo and Heather Ann
Pattullo, per their agent Wardhaugh Property, 38-40
East High Street, Forfar**

**Applicant Tenants: Natalie and John Molloy formerly
of The Old Kirk Cottage, Eassie Forfar (now vacated,
the tenancy having lawfully ended)**

Title Number: ANG 1709

Reference: PRHP/RP/15/0044

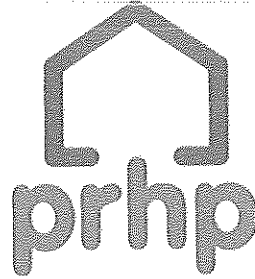
**Decision:**

The committee, having made such enquiry as it sees fit, and taking account of the whole oral and written evidence, determines that the Repairing Standard Enforcement Order (RSEO) dated 29th May 2015 relative to the property is varied in terms of Section 25 of the Housing (Scotland) Act 2006. The effect of the variation is to extend the period within which the required work must be completed by three months from the date of service of the accompanying Notice of Variation.

Reasons:

On 29th May 2015 the Committee made an RSEO in respect of the property known as The Old Kirk Cottage, Eassie, Forfar. In terms of that RSEO the landlord was ordered to carry out certain works to the property within 12 weeks of the date of service of the Order.

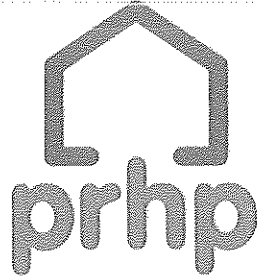
In July 2015 the landlords' agent notified the Private Rented Housing Panel that the works were not, currently, being undertaken because the extent of the work would grossly inconvenience the applicant tenant who had a young family. The applicant tenant subsequently (by the end of July) vacated the property and the tenancy lawfully ended. In terms of Schedule 2, paragraph (7) (1) of the 2006 Act the tenant is treated as having withdrawn the application, however despite the withdrawal the committee has decided to continue to determine the application.



The landlords' agent confirmed in writing that the work had not been completed within the timescale. No work had been done in the property and in light of that the committee decided it was not necessary to re-inspect the property at this time.

Accordingly, on 5th October 2015 the Committee comprising Mrs. A. McCamley (Chairman) and Mr. D. Godfrey (surveyor member) convened within the Kirkton Community Centre, Dundee to hear landlord submissions regarding the failure to complete the required works within the timescale allowed.

Mr. and Mrs. Pattullo attended the hearing. Mr Patullo explained that since the applicant tenant had removed from the property he was uncertain about the future of the building. He stated he had no intention of re-letting the property at this time. He is considering demolishing the building and perhaps selling the land as a potential building plot. He stated there had been interest in the building from two potential purchasers. He is also considering rendering the building completely uninhabitable with no further use as a dwelling house. He does not wish to carry out the work required by the RSEO until he makes that decision although he has commissioned a specialist report as required by the RSEO.



He asked the committee to vary the RSEO to give him further time to make a decision about the future of the building.

The committee listened to the submissions and considered their powers under section 25 of the 2006 Act.

The committee noted no tenant is currently living in the property. The landlord understands the property cannot be let on the private rented housing market until the required works have been completed. He has instructed a specialist report as required by the RSEO.

In all the circumstances, having particular regard to the fact that no tenant is currently residing in the property (therefor no-one is directly adversely affected by any delay) and noting the required specialist report has been commissioned, the committee makes the very finely balanced decision to vary the original RSEO to extend, by three months, the period within which the required works must be completed.

The committee found it hard to accept the landlord would demolish the property, however, should he demolish the property, or render it completely uninhabitable within that period, he should notify the committee through their administration.

The landlord may be reflecting on long term plans for the property however the property has been in the private rented housing market for about 20 years and, although it is **not currently** occupied it does not meet the repairing standard and the committee consider the required works remain necessary at this time.

A. McCAMLEY

*Chairman
Private Rented Housing Committee*

