



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/15/0086

Re : Property at 55 Middlefield Place, Aberdeen, AB24 4PN ("the Property")

Title No: ABN53809

The Parties:-

MR KRISS ROSS, 59 Straik Road, Elrick, Aberdeenshire, AB32 6JN ("the Landlord")

MISS AMBER RAZZAQ and MISS NADIYAH RAZZAQ both formerly residing at 55 Middlefield Place, Aberdeen, AB24 4PN ("the Tenants")

NOTICE TO MR KRISS ROSS, 59 Straik Road, Elrick, Aberdeenshire, AB32 6JN ("the Landlord")

The Private Rented Housing Committee having determined on 11 November 2015 that the **Repairing Standard Enforcement Order** relative to the Property served on 29 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:-

1. The period allowed for the completion of the work required by the order is extended for a period 6 weeks from the date of service of this notice.

Subsection 25(3) of the Housing (Scotland) Act 2006 does not 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.

In witness whereof these presents type written on this and the preceding page are executed by Ewan Kenneth Miller, Solicitor, Whitehall House, 33 Yeaman Shore, Dundee, DD1 4BJ, Chairperson of the Private Rented Housing Committee at Dundee on 11 November 2015 before this witness:-

L Johnston

witness

E Miller

Chairman

Lindsay Johnston
Secretary
Thorntons Law LLP
Whitehall House
33 Yeaman Shore
Dundee
DD1 4BJ



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

prhp Ref: PRHP/RP/15/0086

Re: Property at 55 Middlefield Place, Aberdeen, AB24 4PN ("the Property")

The Parties:-

MISS AMBER RAZZAQ and MISS NADIYAH RAZZAQ both formerly residing at 55 Middlefield Place, Aberdeen, AB24 4PN ("the Tenants")

MR KRISS ROSS, 59 Straik Road, Elrick, Aberdeenshire, AB32 6JN ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property, determined that the Landlord should be given an extension of 6 weeks to the period allowed for completion of the works required all 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 29 June 2015 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act in that he had failed to ensure that the Property met the repairing standard. The works required by the RSEO were: -
 - (a) to carry out such works as were necessary to eradicate the dampness/condensation within the Property and to ensure that the Property was properly wind and watertight, fit for habitation and met the repairing standard.
 - (b) to demolish and/or replace the wooden shed at the Property.
 - (c) To repair or replace the gas meter cover at the Property.
 - (d) To repair or replace the hallway carpet at the Property sufficient to meet the repairing standard.

The RSEO gave the Landlord two months to carry out the works.

2. On 9 September 2015 the Surveyor Member of the Committee, Mr Angus Anderson, re-inspected the Property on behalf of the Committee. The Tenants were not present, having now vacated the Property. The Landlord was not present but access was given on his behalf by a Mr John Mitchell.

The Surveyor Member reported that damp treatment works had been undertaken to the outer walls of the lounge and in each bedroom, with new plaster evident from floor level up to approximately one metre. Further, the plaster to the chimney breast in the lounge appeared to have been stripped and renewed.

The wooden shed to the rear of the Property had been removed together with the electric flex cable. The gas meter cover had been replaced.

The hallway carpet had been removed.

There were some outstanding works in that decoration works were still required to area of new/bare plaster.

In addition a new hall carpet or other form of flooring would require to be laid.

The Committee (comprising Mr E K Miller, Chairman and Legal Member, Mr A Anderson, Surveyor Member and Mrs L Robertson, Housing Member) considered how to progress this matter. The Committee was satisfied that the works were being addressed and that the Landlord was seeking to comply with the terms of the RSEO. The tenancy had ended and therefore there was no prejudice to any party by the fact that the works were still ongoing. The Landlord could not re-let the Property in its current condition (and in addition it was an offence to re-let the Property whilst the RSEO was in place in any event) and so it was in the Landlords interest to address the matter as quickly as possible.

The Committee considered it was appropriate to give a short extension to allow the Landlords to complete the minor matters that remained outstanding. The Committee was of the view that a period of six additional weeks would be sufficient.

Attached to this Decision is a photographic record of the Property as at the date of the reinspection for information purposes.

3. Decision

The Decision of the Committee was to grant the Landlord a period of six weeks from the date of service of this decision to comply with the RSEO.

The decision of the Committee was unanimous.

4. 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.

5. 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.

E Miller

Signed
Chairperson

Date..... *u / 11 / 15*