

Ref PRHP/RP/15/0095

Private Rented Housing Committee

**Variation of Repairing Standard Enforcement Order under
Section 25 of the Housing
(Scotland) Act 2006**

Re: 441 Calder Road, Edinburgh EH11 4AN (“the Property”)

Title Number: MID114589

The Parties:-

MARY SLIGHT, residing at 441 Calder Road, Edinburgh EH11 4AN (“the Tenant”)

FIRST RENTED HOUSING GROUP LIMITED, a Company incorporated under the Companies Acts and having its registered office at Valley View, Glebe Estate, Studland, Dorset BH19 3AS (“the Landlord”)

Committee members:-

Richard Mill (Chairman) and David Godfrey (Surveyor Member)

Decision

The committee, having resumed consideration of the Application, and having had regard to the terms of the correspondence received from the Landlord’s agent dated 18 August 2015, Varies the Repairing Standard Enforcement Order previously issued by the committee dated 17 June 2015 and that by extending the time period for compliance by the Landlord of all of the issues contained within the Repairing Standard Enforcement Order by an additional 4 weeks.

Reasons

1. Reference is made to the committee’s Statement of Decision under Section 24(1) of the Housing (Scotland) Act 2006 dated 17 June 2015. Following an Inspection and Hearing, the committee issued a Repairing

Standard Enforcement Order on 17 June 2015. The Repairing Standard Enforcement Order was in the following terms and required the Landlord:-

- “1. To instruct a reputable contractor to inspect, survey and if necessary repair the chimney stack and pots on the north elevation of the roof of the property.
2. To instruct a reputable contractor to inspect, survey and thereafter complete renovation and overhaul of the gutters and rhones of the property so as to ensure that they are in a reasonable state of repair, in property working order and do not leak.
3. To replace four windows in the property being the east most window in the living room, the window in the west most bedroom, the window in the bathroom and the window in the scullery.
4. To instruct a reputable contractor to inspect, survey and if possible repair and overhaul the remainder of the windows to include ventilation so as to ensure that they are in good working order and wind and watertight; and if repair work is not to be possible nor economical to replace the remainder of the windows in the property.
5. To instruct a reputable contractor to inspect, survey and to improve the ventilation in the property to eradicate the excessive condensation, such steps to include the possible installation of further electrical extractor fans in the kitchen and bathroom, and to repair, replace or create wall vents.

The Private Rented Housing Committee requires that the works specified in this Order must be carried out and completed within 8 weeks from the date of service of this Notice.”

2. By way of correspondence dated 18 August 2015, the Landlord’s agents indicated that the works required by the Repairing Standard Enforcement Order had not been fully completed. Reference is made to “discussions” with other owners regarding repairs to the common property.
3. The committee also noted that in terms of said correspondence received from the Landlord’s agent, quotations for the works required in terms of the Repairing Standard Enforcement Order had been obtained.
4. The committee is satisfied that the Landlord’s agents are respecting the terms of the Repairing Standard Enforcement Order and are actively seeking to carry out the works. However, the committee are not impressed by the apparent dilatory manner in which the Landlord has approached matters. They were provided with an 8 week period to carry out the necessary works. Whilst discussions may require to take place with other owners within the block about responsibility for the repairs, there is no suggestion and the committee do not

accept that there are any restrictions in respect of the Landlord's rights of access to carry out the works which are necessary.

5. Additionally, there are other components of the Repairing Standard Enforcement Order which do not impact upon any other owners and which have not been completed.
6. The committee would be entitled to carry out an immediate re-inspection and conclude that there has been a failure to comply. This would, in turn, entitle the committee to issue a Failure to Comply Notice, register same in the Land Register and give intimation to the Local Authority.
7. On balance, the committee are persuaded to Vary the existing Repairing Standard Enforcement Order by affording the Landlord a further strict period of 4 weeks to complete all aspects of the Repairing Standard Enforcement Order.

Right of Appeal

8. 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 of the Act

9. Where such an appeal is made, the effect of the decision and of any order made, 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 date on which the appeal is abandoned or so determined.

MJ Murray

witness

R Mill

chairman

Margaret Johnstone Murray
21 Stafford Street
Edinburgh
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Legal Secretary

25 August 2015