



**Notice of a decision to Vary**

**A Repairing Standard Enforcement Order**

**Ordered by the Private Rented Housing Committee**

prhp Ref: PRHP/RP/15/0098

Re : Property at Property at 221J Albert Street, Dundee, DD4 6QA ("the Property")

Title No: ANG27674

**The Parties:-**

MR PAUL SYME formerly residing at 221J Albert Street, Dundee, DD4 6QA ("the Tenant")

MR JOHN DIXON c/o CGR Properties, DIA Business Properties, Meadowmill, West Henderson's Wynd, Dundee, DD1 5BY (represented by his agent Mr Ryan Monks, CGR Properties) ("the Landlord")

**NOTICE TO JOHN DIXON ("the Landlord")**

The Private Rented Housing Committee having determined on 25 November 2015 that the **Repairing Standard Enforcement Order** relative to the Property served on 25 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 of 3 months 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(s) 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 30 November 2015 before this witness:-

**C Robertson**

witness

**E Miller**

chairman

CLAIRE LOUISE ROBERTSON name in full

Whitehall House, 33 Address

Yeaman Shore, Dundee, DD1 4BJ

SECRETARY Occupation



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

prhp Ref: PRHP/RP/15/0098

Re: Property at 221J Albert Street, Dundee, DD4 6QA ("the Property")

### The Parties:-

MR PAUL SYME formerly residing at 221J Albert Street, Dundee, DD4 6QA ("the Tenant")

MR JOHN DICKSON c/o CGR Properties, DIA Business Properties, Meadowmill, West Henderson's Wynd, Dundee, DD1 5BY (represented by his agent Mr Ryan Monks, CGR Properties) ("the Landlord")

### Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property determined that the Landlord should be given an extension of 3 months to the period allowed for completion of the works required 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 25 June 2015 which determined that the Landlord had failed to comply with the duty imposed by Section 14 (1)(b) of the Act and that he had failed to ensure that the Property met the repairing standards. The works required by the RSEO were:-
  - (a) To carry out such works as are necessary to provide adequate ventilation within the Property.
  - (b) To obtain a roof report over the larger tenement subjects and to carry out any works required thereafter to ensure that the Property is properly wind and watertight and free from water penetration.
  - (c) To carry out such works of repair or replacement to the gutters, rhones and downpipes to ensure that they are in proper working order and meet the repairing standard.
  - (d) To carry out such works as are necessary to allow the issue of an electrical installation condition report over the Property containing no items marked "C1" or "C2".

The RSEO gave the Landlord 3 months to carry out the works.

2. A re-inspection of the Property was carried out on 1 October 2015 by Mr David Godfrey, the Surveyor Member of the Committee. The Tenant no longer resided in the Property and was neither present nor represented. The Landlord was represented by his agent, Ryan Monks of CGR Properties.

The Surveyor Member reported that trickle vents had been fitted to the lounge double-glazed windows but the remainder of the windows require trickle vents. No mechanical ventilation had been installed in either the kitchen or the bathroom.

Some localised repairs had been carried out to the roof covering but no roof report was available at the date of the inspection as required in terms of (b) of the RSEO.

No material works appeared to have been carried out to the gutters, rhones and downpipes which were still in poor condition.

A satisfactory electrical installation condition report was provided.

The re-inspection report was provided to the Landlord and his agent and they responded accepting that not all works were complete. They stated they had done further works to the rhones and gutters to the rear. They highlighted that the Tenant no longer resided in the Property. They also highlighted they were having continuing difficulties with the other Landlords within the block managing to get agreement on communal works. They sought an extension to the period of the RSEO to allow them to complete matters.

The Private Rented Housing Committee (comprising Mr E K Miller, Chairman and Legal Member; Mr D Godfrey, Surveyor Member; and Mrs I Kitson, Housing Member) considered the matter. They noted that the Property was now vacant. Accordingly no individual was suffering any detriment from living in the Property. The Landlord was not gaining any rental from the Property and would be unable to re-let the Property until such time as the works in the RSEO were completed (it being a criminal offence to re-let a Property with an RSEO in place). The Committee accepted that there were some ongoing issues with the other landlords and proprietors within the block and that the Landlord and his agents were making efforts to address the issue.

The Committee considered that there was no prejudice to any party in allowing an extension to the RSEO. The Committee was satisfied that 3 months would be an appropriate period.

#### **Decision**

3. The decision of the Committee was to grant the Landlord a period of 3 months from the date of this decision to comply with the RSEO.
4. The decision of the Committee was unanimous.

#### **Right of Appeal**

5. **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**

6. 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.

Signed ..... **E Miller** ..... Date..... *30/11/15* .....  
Chairperson