



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 1 April 2016 that the Repairing Standard Enforcement Order relative to the Property served on 25 June 2015 and varied on 25 November 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 6 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 1 April 2016 before this witness:-

Lindsay Johnston

Ewan Miller, Chairman

Handwritten signature of Lindsay Johnston, name in full, address (Whitehall House, 33 Yeaman Shore, Dundee), and occupation (Secretary).



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

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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 a further extension of 6 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. On 25 November 2015 the Committee determined to give the Landlord an additional period of 3 months to allow completion of the work and the RSEO was extended accordingly. This was due to difficulties the Landlord was having in co-ordinating communal repairs amongst the various landlords in the tenement.

2. In due course the Landlord and his agent were contacted to determine whether the Property could now be reinspected. Both the Landlord and his agent intimated to the Committee that works were still not complete. The Property remained vacant. The

Landlord gave a full explanation of the difficulties that were being encountered in organising landlords within the block to all contribute to common repairs. The Committee carried out its own investigations with the local authority and did determine that there were efforts being made to agree a common repair scheme that would address all of the issues. From the information the Committee had received previously from the Landlord it did appear that the Landlord was one of the parties who was co-operating and trying his best to organise the communal repairs required. Given the Property remained vacant, the Landlord was deriving no benefit from any failure to comply with the order. The Committee was satisfied that it would be appropriate to grant a further extension to the period allowed for compliance with the RSEO.

Accordingly the Committee (comprising Mr E K Miller, Chairman and Legal Member; Mr D Godfrey, Surveyor Member; and Mrs I Kitson, Housing Member) concluded that a further extension to the RSEO should be given. The Committee was satisfied that 6 months would be an appropriate period.

Decision

3. The decision of the Committee was to grant the Landlord a further period of 6 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 ... **Ewan Miller**
Chairperson

... Date... 1/9/16