



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: prhp/rp/15/0136

Re : Property at 9 Lothian Court, Glenrothes, Fife KY6 1LZ (“the Property”)

Land Register No: FFE57171

The Parties:-

Ms Donna Robb, 9 Lothian Court, Glenrothes, Fife KY6 1LZ (“the Tenant”)

Mr Stanley Craig, care of Messrs Innes Johnston & Co, 32 North Street, Glenrothes, Fife KY7 5NA (“the Landlord”)

NOTICE TO Mr Stanley Craig, care of Messrs Innes Johnston & Co, 32 North Street, Glenrothes, Fife KY7 5NA (“the Landlord”)

The Private Rented Housing Committee having determined on 2 May 2016 that the Repairing Standard Enforcement Order relative to the Property served on 17 August 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 Landlord is allowed a further period until 2 September 2016 to comply with item 2 of the Repairing Standard Enforcement Order which was to investigate and resolve the structural problem in the living room in order to ensure that the floor and external walls are in a reasonable state of repair.

Subsection 25(3) of the Housing (Scotland) Act 2006 does 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 page are executed by Judith V Lea, solicitor, Unit 3.5 The Granary Business Centre, Coal Road, Cupar, Fife, KY15 5YQ, chairperson of the Private Rented Housing Committee at Cupar on May 2016 before this witness:-

Maxine Smith

..... Witness

J Lea

..... Chairman

Maxine Smith
Unit 3.5, The Granary Business Centre
Coal Road, Cupar, Fife



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

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Background

1. On 17 August 2015, the Private Rented Housing Committee (comprising Judith Lea, Chairman and Legal Member and Geraldine Wooley, Surveyor Member) issued a decision requiring the Landlord to comply with the Repairing Standard Enforcement Order made by the Committee on 12 August 2015. The Repairing Standard Enforcement Order required the Landlord to:
 - (1) Close off or create a safety barrier between the end of the decking and the boundary fence to ensure it is safe;
 - (2) Investigate and resolve the structural problems in the living room in order to ensure that the floor and the external walls are in a reasonable state of repair;
 - (3) Repair/replace the bath and make good the seals to ensure they are in a reasonable state of repair;
 - (4) Repair the door on the bathroom sink cupboard to ensure it is in a reasonable state of repair;
 - (5) Install a threshold plate in the kitchen doorway; and
 - (6) Repair the seals at the kitchen sink.
2. On 9 October 2015, the surveyor member of the Committee re-inspected the property. The Tenant was present.
3. The surveyor member noted that a section of decking timber has been inserted between the main deck and fence which blocks off most of the gap, although a space of 50mm remains. The surveyor member noted that

a new handrail had also been installed to the steps from the deck to the garden. In the bathroom, the bath has been replaced with a new bath and the sealant and tiling made good and a new cupboard has been installed. In the kitchen, the splashback to the sink has been properly sealed and the floor to the side of the sink has been repaired and a new threshold plate has been fitted to the kitchen door.

4. The Committee was accordingly satisfied that the Landlord had complied with items 1, 3, 4, 5 and 6 of the Repairing Standard Enforcement Order. The surveyor member however noted that no serious efforts had been made to address the structural problems in the living room. The surveyor member noted that the Landlord had attempted to address the problem by filling the gaps in the door slab with insulating material. The surveyor member considered that the work did not address the structural issue and was ineffective as many gaps were remaining and insects were still entering the property. Further cracks were found in the living room floor.
5. The Landlord commissioned a Visual Structural Inspection and a report dated 6 November 2015 has been provided to the Committee. This report made various recommendations to the Landlord in connection with works which should be carried out. Given that the Landlord had rectified most of the items contained in the Repairing Standard Enforcement Order and given that the Landlord was clearly taking steps to investigate the structural problem in the living room, the Committee consider it reasonable to vary the Order and allowed the Landlord until the end of February 2016 to resolve the structural problems in the living room.
6. The surveyor member of the Committee re-inspected the property on 26 April 2016. The Landlord had commissioned a visual structural inspection and report dated 6 November 2015 indicating that the structural problems may be caused by a chemical reaction in the concrete due to the aggregate use. The Landlord had sought a quotation for further investigation which was to cost approximately £5,000 for tests. The Landlord decided at this point not to proceed with the work as it was too expensive. Accordingly no further work had been done since the previous inspection. The property accordingly continues to fail to meet item 2 of the Repairing Standard Enforcement Order made by the Committee on 12 August 2015. The surveyor member noted that in addition there is now a hole in the kitchen ceiling which may indicate a reoccurrence of problems in the bathroom above. Photographs are attached as Appendix.
7. The Landlord is considering how to proceed. The property is not presently let. In the circumstances the Committee considered it reasonable to allow the Landlord a further period of four months to decide how to proceed as he may wish to put the property on the market.
8. The Landlord is reminded that it is an offence in terms of Section 28 of the Housing (Scotland) Act 2006 if the Landlord enters into a tenancy or occupancy arrangement in relation to the property at any time in which the

Repairing Standard Enforcement Order is still in effect in relation to the property.

Right of Appeal

9. **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

10. 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.

J Lea

Signed Date 6 May 2016
Chairperson

1. Crack to floorslab at living room threshold



1a) As at 9/10/2015
As at 26/04/16 1b)

2. Crack to floorslab below living room window,



2a) As at 9/10/15 2b)
As at 26/04/16 showing
mildew (probably due
to condensation)

3: hole in kitchen ceiling under bathroom



J Lea
chairman