



DETERMINATION BY PRIVATE RENTED HOUSING COMMITTEE

**STATEMENT OF DECISION OF THE PRIVATE RENTED HOUSING COMMITTEE
UNDER SECTION 25(1)
OF THE HOUSING (SCOTLAND) ACT 2006**

In connection with

**Property at 15 Redbrae Avenue, Bo'ness EH51 9TN (hereinafter referred to as
"the House")**

**Samantha Jane Hall, Anthony John Hall, Dean Sedgman and Judith Elizabeth
Hall, all formerly of 15 Redbrae Avenue, Bo'ness EH51 9TN (hereinafter
referred to as "the Tenant")**

**Kunal Puri, 31 Lockhart Avenue, Oxley Park, Milton Keynes MK4 4TY
(hereinafter referred to as "the Landlord")**

PRHP REFERENCE PRHP/RP/15/0184

DECISION

The Committee decided to vary the Repairing Standard Enforcement Order dated 12 October 2015 ("the Order") by extending the period for compliance with the Order until 1 March 2016.

Reasons for the Decision

The Committee considered the written submissions made on behalf of the Landlord dated 14 December 2015 in which he indicated that workmen instructed to carry out the works required by the RSEO had been prevented from doing so by reason of temperatures being beneath 5 degrees.

The Committee noted that a previous continuation had been granted for reasons of bad weather. It further noted that it has been an unusually warm winter and that days where the temperature was less than 5 degrees have been relatively few.

The Committee therefore had considerable reluctance in granting the application to vary the timescale. However, having regard to the Landlord's explanation and

the terms of section 25(1), we consider that the variation of the Order to provide until 1 March 2016 for compliance is reasonable.

The Landlord should however note that the Committee is unlikely to grant a further continuation in the absence of very good reason (with supporting documentation) being advanced.

The Landlord also sought to vary the RSEO by having the section which requires repairs to the gable wall with No.13 removed. This was on the grounds that the owner of No.13 is said to have refused access. The Committee recall that the owner of No.13 approached the Committee when they arrived at the House and had volunteered to the Committee access to her garden and had indicated that she had made repeated attempts to have the Landlord address the gable wall but that he had failed to do so.

The Landlord has produced absolutely no evidence of having attempted to gain or having been refused access. On the basis of the current information this second variation is not reasonable and is refused. The Landlord is entitled to make a similar application in future but the Committee would expect it to be supported by evidence.

Decision

The Committee, considering the terms of section 25(1) of the Act, determined that the Order should be varied by extending the period for compliance with the Order until 1 March 2016.

The decision of the Committee was unanimous.

Right of Appeal

Section 64 of the Act provides a right of appeal to a landlord or tenant aggrieved by a decision of a private rented housing committee. An appeal may be made to the Sheriff within 21 days of the Landlord or Tenant being informed of the decision.

Where such an appeal is made, the effect of the decision and 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 McHugh

John M McHugh
Chairperson

Date: 21 December 2015