



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/RP/15/0200

Re : Property at 28 Easterton Avenue, Busby, Glasgow, G76 8JJ ("the Property")

Title No: LAN35668

The Parties:-

Ms Karin Miller, residing at 26 Quantock Close, Warmley, Bristol, BS30 8UR ("the Landlord")

Miss Karen Laverty, residing at 28 Easterton Avenue, Busby, Glasgow, G76 8JJ ("the Tenant")

NOTICE TO Karin Miller ("the Landlord")

The Private Rented Housing Committee having determined on 24 November 2015 that the **Repairing Standard Enforcement Order** relative to the Property served on 24 September 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 28 days from the date of service of this notice.

Subsection 25(3) of the Housing (Scotland) Act 2006 does/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 chairperson of the Private Rented Housing Committee at Dundee on 24 November 2015 before this witness:-

Claire Robertson

witness

Ewan 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/15/0200

Re : Property at 28 Easterton Avenue, Busby, Glasgow, G76 8JJ ("the Property")

The Parties:-

Miss Karen Lavery residing at 28 Easterton Avenue, Busby, Glasgow, G76 8JJ ("the Tenant")

Ms Karin Miller residing at 26 Quantock Close, Warmley, Bristol, BS30 8UR ("the Landlord")

Decision

The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord had complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property determined that the Landlord should be given a further extension of 28 days 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 24 September 2015 which determined that the Landlord had failed to comply with the duty imposed by Section 14(1)(b) of the Act and that she had failed to ensure that the Property met the repairing standard. The works required by the RSEO were:-

- (a) To carry out such works to the bath and tiling at the Property to ensure that no significant egress of water from the bath/shower to the surrounding area occurs.

The RSEO gave the Landlord 28 days to carry out the works.

2. The Landlord subsequently contacted the Committee to advise that she had not yet carried out the works. The Landlord was going on holiday for a period and this had made it difficult for her to organise works in time. The Landlord also advised that she was struggling to get the tradesman to take access to the Property because, she alleged, there were difficulties on the part of the Tenant in giving access. She requested a short extension to allow her time to source a tradesman and to complete the works.

Subsequently the Landlord asked the Committee whether it would be competent for her to simply remove the shower from above the bath. This would then stop the problem of the water running along the tiling down onto the bath and onto the floor.

The Committee (comprising Mr E K Miller Chairman and Legal Member and Ms C Jones, Surveyor Member) considered matters. The Committee noted that whilst an RSEO was in place, the item covered by it (i.e. the water egress from the bath) was relatively minor. The Committee was, at this stage, unable to determine whether or not the Tenant was being difficult in providing access.

The Committee considered that in the circumstances a short extension of 28 days was not inappropriate.

The Committee would highlight that they expect the Landlord to progress matters swiftly from here and to make arrangements for tradesmen to attend at the Property and carry out the work. The Committee would also stress that they require the Tenant to provide access to the Landlord's tradesmen and to facilitate the works being carried out.

In relation to the Landlord's request simply to remove the shower and thus resolve the problem that way, the Committee confirmed that this would not be acceptable. The shower was present when the Tenant took entry to the Property and she was entitled to the benefit of it going forward. The Landlord would, therefore, require to carry out the works as directed by the RSEO.

Decision

- 3. The decision of the Committee was to grant the Landlord a further period of 28 days 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.**
- 6. **Effect of section 63**

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.

Ewan Miller

Signed Date.....
Chairperson

24/10/15