



Notice of a decision to Vary
A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee

Prhp Ref: PRHP/RP/15/0223

Re: Property at 29 Weensland Road, Hawick, TD9 9NW, as more particularly described in the Disposition in favour of the Trustees of the Congregation of the Hawick Baptist Church dated 17 August and 7 September 1969 and recorded in the Division of the General Register of Sasine applicable to the County of Roxburgh on 5 December 1969

The parties:

Mr Roy Shuttleworth, residing at the House ("the Tenant")

and

Hawick Baptist Church, per Mrs Wendy Underhill, Congregation Treasurer, The Cottage, Appletreehall, Hawick, TD9 8PW ("the Landlord")

NOTICE TO

Mrs Wendy Underhill, on behalf of the Landlord

The Private Rented Housing Committee having determined on 22 July 2016 that the **Repairing Standard Enforcement Order** relative to the Property served on 31 December 2015 as varied on 1 June 2016 should be further 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 as varied is further extended until 31 August 2016.

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 page are executed by Maurice O'Carroll, Advocate, Chairperson of the Private Rented Housing Committee at Edinburgh on 26 July 2016 before this witness:-

T Whitelaw

witness

M O'Carroll

chairman

TRACY WHITELOW name in full

ADVOCATES CLERK Occupation

ADVOCATES' LIBRARY, PARLIAMENT HOUSE Address
EDINBURGH EH1 1RF



Statement relative to the Notice of the Decision to Vary

The Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

Re: House at 29 Weensland Road, Hawick, TD9 9NW as more fully described in the relative Notice ("the House")

Case Ref: PRHP/RP/15/0223

The Parties:-

Application received from Mr Roy Shuttleworth, residing at the House ("the Tenant")

Hawick Baptist Church, per Mrs Wendy Underhill, Congregation Treasurer, as designated above ("the Landlord")

Committee: Mr Maurice O'Carroll (Chairperson), Mr Andrew Taylor (Surveyor Member)

Decision

The Committee unanimously, having made such enquiries as it saw fit for the purpose of determining whether the Repairing Standard Enforcement Order ("RSEO") relative to the House should be varied in terms of section 25(1)(a) of the Housing (Scotland) Act 2006 agreed that the RSEO should be varied.

1. The RSEO relative to the House required the Landlord to:

- (i) To Carry out such works as are necessary to eliminate draughts at the main front door;**
- (ii) Repair or replace the kitchen sink unit so that the doors are secure and in good working order;**
- (iii) Replace and make good the missing tiles to the walls in the kitchen;**
- (iv) Carry out such works as are necessary to eliminate water ingress to the kitchen porch roof;**
- (v) Carry out such works as are necessary to low level gutters, semi-circular cast iron gutters and down pipes at the rear of the property, including**

- clearing any blockages to drainage so that the roof drainage system functions correctly;
- (vi) Repair or replace the three cast iron roof lights to eliminate water ingress, including replacing water damaged ingoes; and
 - (vii) Provide and install smoke detection and alarm equipment in accordance with the British Standard on the design of fire detection installations for dwellings (BS5389 Part 6) in conjunction with the Scottish Government's Technical Handbook 2013 Domestic under Section 2 – Fire, sub-section 2.11 Communication.
2. The RSEO specified that these works required to be carried out and completed within 4 calendar months of service of the RSEO on 31 December 2015.
 3. A re-inspection of the House was conducted by the surveyor member of the Committee on 13 May 2016 and a report issued on the same date.
 4. The report revealed that whilst most of the works listed in the RSEO had been carried out, daylight was still visible through the front door and that the flashings on the porch roof were still in need of repair as water penetration was continuing there.
 5. By email dated 24 May 2016, the landlord requested further time to finalise the remaining works required to comply with the RSEO. That request was acceded to by the Committee. It issued a Variation to the RSEO dated 1 June 2016, extending the deadline for completion to 14 June 2016.
 6. On 24 June 2016, the surveyor member attended the House and found that neither of the outstanding works had been completed. The Committee therefore required to consider instituting enforcement proceedings.
 7. Prior to doing so, the Committee carried out a further inspection and convened a further hearing, both on 22 July 2016. The inspection revealed that the works to the front door had been completed satisfactorily. However, the leak in the porch at the rear of the House adjacent to the kitchen had not been repaired. Reference is made to the surveyor member's further report dated 22 July 2016 appended to this decision.
 8. The Committee noted that all but one of the repairs as set out in the RSEO had been carried out by the time of the inspection on 22 July 2016. It further noted that an attempt at repair had been effected in respect of the porch roof. It considered that the Landlord should be permitted an opportunity to rectify the repair which had been inadequately carried out by its chosen contractor.
 9. The Committee noted the position regarding the commencement of the annual tradesmans' holiday as at the date of the hearing. In the circumstances, the Committee considered that request for a further final extension of time to be reasonable and was content to allow a further full calendar month for the works to be finalised.

Decision

10. In light of the above, the Committee therefore determined that further time should be allowed for the works to be carried out. It decided to vary the RSEO to the extent of providing a further deadline to 31 August 2016 in terms of section 25(1)(a) of the 2006 Act.

Right of Appeal

11. **A landlord or tenant aggrieved by this decision of the Private Rented Housing Committee may appeal to the Sheriff by way of summary application within 21 days of being notified of that decision.**

Effect of section 63 of the 2006 Act

12. 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.

M O'Carroll

Chairman

Date: 26 July 2016

PRHP Re-Inspection Report



Property – 29 Weensland Road, Hawick, TD9 9NW

Reference- PRHP/RP/15/0223

Surveyor – Andrew Taylor, MRICS

Previous Inspections – Full Committee – 11.30am, 18th December 2015, Re-inspection 11.00am 13th May 2016, 2nd Re-Inspection 11.00am 24th June 2016

Re-inspection (3) – 10.30am, 22nd July 2016

Weather – Dry, overcast

In Attendance – Maurice O’Carroll – Committee Chair, Mr R Shuttleworth - Tenant, Mrs W Underhill – Congregation Treasurer, Hawick Parish Church – the Landlord

Purpose of Re-inspection - To establish if the remaining work required under the Repairs Standard Enforcement Order had been completed.

RSEO – In terms of the RSEO issued on 31st December 2015 the Landlord was required to carry out such work as was necessary to ensure that the house meets the repairing standard and in particular the following specific areas: -

1. Carry out such works as are necessary to eliminate draughts at the main front door;
2. Repair or replace the kitchen sink unit so that the doors are secure and in good working order;
3. Replace and make good the missing tiles to the walls in the kitchen;

4. Carry out such works as are necessary to eliminate water ingress to the kitchen porch roof;
5. Carry out such works as are necessary to low level gutters, semi-circular cast iron gutters and down pipes at the rear of the property, including clearing any blockages to drainage so that the roof drainage system functions correctly;
6. Repair or replace the three cast iron roof lights to eliminate water ingress, including replacing water damaged ingoes;
7. Provide and install smoke detection and alarm equipment in accordance with the British Standard on the design of fire detection installations for dwellings (BS5389 Part 6) in conjunction with the Scottish Government's Technical Handbook 2013 Domestic under Section 2 – Fire, sub-section 2.11 Communication

Works In RSEO Previously Carried Out

1. Draughtproofing strips and weather bars have been fitted to the front door however there is still significant daylight showing around the door which continues to be not wind and watertight;
2. The doors to the kitchen unit have been repaired satisfactorily;
3. Kitchen wall tiles have been replaced;
4. Although there has been some work carried out to the flashings at the porch roof at kitchen there remains a problem of water ingress;
5. Works have been carried out to low level gutters, semi-circular cast iron gutters and down pipes at the rear of the property, blockages cleared so that the roof drainage system functions correctly;
6. Three cast iron roof lights have been replaced with Velux rooflights complete with all flashings and work to ingoes;
7. Smoke detection and alarm equipment has been installed in accordance with the British Standard on the design of fire detection installations for dwellings (BS5389 Part 6) in conjunction with the Scottish Government's Technical Handbook 2013 Domestic under Section 2 – Fire, sub-section 2.11 Communication.

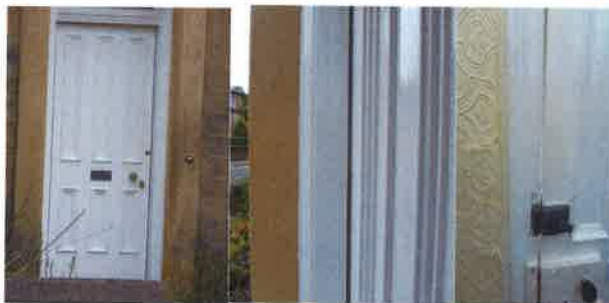
Further Works Carried Out

1. Further works have been carried out to the entrance door including adjusting and re-hanging, re-fitting weatherstrips, adjusting keepers for locks and the fitting of a wintun weatherbar. The door is now wind, watertight and secure.
2. Although further works have been carried out to the kitchen porch roof including replacing flashings with flashband and pointing the flashing with mortar, when tested with a hose at the inspection, leaks were still evident, notably in the vicinity of the downpipe. Further works are required to make this area watertight.

Works In RSEO Outstanding

1. Although further works have been carried out to the kitchen porch roof, additional works are required to make this area watertight.

Photographs



Front Entrance Door June 2016



Front Entrance Door July 2016



Porch Flashings June 2016





Porch Flashings June 2016



Water Penetration at Porch Ceiling June 2016



Porch Flashings July 2016

Andrew Taylor MRICS

Surveyor Member, PRHP

22nd July 2016