



**Notice of Variation  
Of  
A Repairing Standard Enforcement Order in terms of Section 25 (1) of the  
Housing (Scotland) Act 2006**

**Ordered by the Private Rented Housing Committee  
prhp ref: RP/15/0266**

**Re Flat 2L, 77 Hilltown, Dundee, DD3 7AD being the subjects registered in the  
Land Register of Scotland under title number ANG37809 ('the Property')**

**The Parties:-**

**Miss Coreen Morrison residing at the Property ('The Tenant')**

**Mr Rahim Faruk, 248 Fosse Road North, Leicester, LE3 5RR ('The Landlord')**

**NOTICE TO**

**Mr Rahim Faruk**

The Private Rented Housing Committee having determined on 31<sup>st</sup> August 2016 that the **Repairing Standard Enforcement Order** relative to the Property dated 8<sup>th</sup> December 2015 which was varied on 5<sup>th</sup> May 2016 and 25<sup>th</sup> July 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 respect:-

**The period allowed for the completion of the work required by the order is extended until 11<sup>th</sup> November 2016**

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.

**Martin J. McAllister, Chairman**

**At SALTCOATS on 31<sup>st</sup> August 2016**

**before**

**Paula Sinclair, Witness**

**51 Hamilton Street, Saltcoats, KA21 5**

**DX**



## **Determination by Private Rented Housing Committee**

### **Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006**

**prhp ref: RP/15/0266**

**Re Flat 2L, 77 Hilltown, Dundee, DD3 7AD being the subjects registered in the Land Register of Scotland under title number ANG37809 ('the Property')**

**The Parties:-**

**Miss Coreen Morrison residing at the Property ("The Tenant")**

**Mr Rahim Faruk, 248 Fosse Road North, Leicester, LE3 5RR ("The Landlord")**

**Decision**

The Committee having considered the representations of the Landlord that he has been unable to comply with the Repairing Standard Enforcement Order (hereinafter referred to as "RSEO") dated 8<sup>th</sup> December 2015 as varied on 5<sup>th</sup> May 2016 and further varied on 25<sup>th</sup> July 2016 determines that there should be a variation of the Repairing Standard Enforcement Order in terms of Section 25(1) (a) of the Housing (Scotland) Act 2006 ("the Act"). The RSEO is varied as follows:

**The works detailed in the RSEO must be carried out by 11<sup>th</sup> November 2016.**

The Committee comprised the following members – Mr Martin McAllister, Chairperson and Mr. George Campbell, Surveyor Member.

#### **Findings in Fact**

1. A Repairing Standard Enforcement Order (RSEO) relative to the property dated 8<sup>th</sup> December 2015 was issued requiring works as specified in the Order to be completed by 30<sup>th</sup> April 2016.
2. On 25<sup>th</sup> April 2016 the Landlord wrote to the Committee indicating that the works detailed in the RSEO could not be completed within the timescale specified in the RSEO. He said that some works had been done and that he was looking for an extension of ninety days to allow him to complete the balance of works. He said that he hoped that the works would be completed before then.

3. On 5<sup>th</sup> May 2016 the RSEO was varied to extend the period of completion to 31<sup>st</sup> July 2016.
4. On 22<sup>nd</sup> July 2016 the Landlord wrote to the committee indicating that there had been a delay caused by a contractor. The Landlord requested that a further extension be given and he said that he hoped to inspect the property and thought an extension until the end of August would be sufficient.
5. On 29<sup>th</sup> July 2016 the RSEO was varied to extend the period of completion to 31<sup>st</sup> August 2016.
6. On 30<sup>th</sup> August the Landlord wrote advising that his contractor had told him that some windows may need replacing and that the plumber had gone on holiday for three weeks. The Landlord requested that inspection of the Property be delayed for eight weeks.

#### **Reasons for the Decision**

1. The Committee accepted that the works had not been done and considered it reasonable to allow the landlord more time to do them. The Committee also took the view that the Landlord's request for a delay in the reinspection should be interpreted as a request for a variation of the RSEO.
2. In arriving at its decision the committee took cognisance of the fact that the Property is not currently subject to a tenancy and that, in terms of Section 28(5) of the Act, the landlord would be committing an offence if he enters into a tenancy at any time during which a RSEO has effect in relation to the Property.
3. The committee also accepted that the fact that the Landlord lives in Leicester would mean that there would have been difficulties in getting the extensive work done.
4. In arriving at its Decision the Committee noted that the RSEO had been varied on two previous occasions and that it would be unlikely to consider a further variation and that it expected all works to be completed by 11<sup>th</sup> November 2016.

## Right of Appeal

**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

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.

M McAllister

Signed .  
Chairperson

..... Date 31<sup>st</sup> August 2016