



## Notice of a decision to Vary

### A Repairing Standard Enforcement Order

#### Ordered by the Private Rented Housing Committee

Re: 1, Highfield Avenue, Inverness, IV3 8RW being the subjects registered in the Land Register of Scotland under title number INV24830 ('The Property')

**The Parties:**

**Mrs Margaret Andrew** residing at 1 Highfield Avenue, Inverness, IV3 8RW ('The Tenant')

**Norman Andrew** residing at 3 Waterloo Cottages, Nairn, IV12 SJU ('The Landlord')

REF:PRHP/RP/15/0293

The Committee members were **Jacqui Taylor (Chairperson)** and **Angus Anderson (Surveyor Member)**.

#### NOTICE TO The Landlord.

The Private Rented Housing Committee having considered the Landlord's application to have The **Repairing Standard Enforcement Order** dated 17<sup>th</sup> February 2016 ('RSEO') revoked or varied determined that the RSEO should be VARIED as follows:

1. The following items of the RSEO should be revoked as these items have been satisfactorily completed:

1. *Repair or replace the patio door.*
3. *Repair or replace the dishwasher.*

2. The date for completion of the following outstanding works:

*'2. Repair or replace the defective areas of fencing and the gate to render them in a reasonable state of repair and proper working order.'*

is extended to 16<sup>th</sup> September 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 are executed by Jacqui Taylor, Solicitor, Chairperson of the Private Rented Housing Committee at Irvine on 26<sup>th</sup> August 2016 before the undernoted witness:**

Signed..... **J Taylor** ..... Date 26<sup>th</sup> August 2016

Chairperson..... **M Currie**

..witness: Michelle Currie, 65, High Street, Irvine



## Determination by Private Rented Housing Committee

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

**Re: 1, Highfield Avenue, Inverness, IV3 8RW being the subjects registered in the Land Register of Scotland under title number INV24830 ('The Property')**

**The Parties:**

**Mrs Margaret Andrew residing at 1 Highfield Avenue, Inverness, IV3 8RW ('The Tenant')**

**Mr Norman Andrew residing at 3 Waterloo Cottages, Nairn, IV12 SJU ('The Landlord')**

**REF:PRHP/RP/15/0293**

**The Committee members were Jacqui Taylor (Chairperson) and Angus Anderson (Surveyor Member).**

#### **Decision**

**The Committee, having considered the Landlord's representations for the purposes of determining whether the Repairing Standard Enforcement Order should be revoked or varied determined that the order should varied.**

#### **Background**

1. The Repairing Standard Enforcement Order relative to the Property dated 17<sup>th</sup> February 2016 (hereinafter referred to as 'RSEO') required the Landlord to:-

- 1. Repair or replace the patio door.*
- 2. Repair or replace the defective areas of fencing and the gate to render them in a reasonable state of repair and proper working order.*
- 3. Repair or replace the dishwasher.'*

The RSEO specified that these works must be carried out and completed by 30<sup>th</sup> April 2016.

#### **Inspection**

2. On 23rd May 2016 the surveyor member Angus Anderson inspected the Property and in relation to the required repairs he found that the required works had been satisfactorily completed with the exception of:

- 2.1 The outer pvc facing of the patio door is missing from the right hand side and is loose at the lower section of the left hand side, as viewed from the outside.*
- 2.2 There is a broken post at the front elevation and two vertical slats to the car parking are flexible where there are knots across the panel.*
- 2.3 The dishwasher has not been replaced and the existing item remains defective.'*

Photographs were taken during the re-inspection and are attached as a Schedule to this report.

3. On 20<sup>th</sup> August 2016 the Landlord sent to the PRHP administration a receipt from I.B.I Joiners dated 4<sup>th</sup> July 2016 for supply and fitting a dishwasher and sticking the trim to the patio door ingo. In a covering letter he advised the Committee of personal difficulties he had had recently experienced and he stated that he would endeavour to have the fence repairs completed by mid September.
4. On 24<sup>th</sup> August 2016 the Tenant confirmed by email that the dishwasher had been replaced but the repair to the fence is still outstanding.

#### **Decision**

5. The Committee considered the Landlord's submissions. They acknowledged that the Landlord had completed the majority of the required works and accordingly they agreed to vary the RSEO to allow the Landlord until 16<sup>th</sup> September 2016 to repair or replace the defective areas of fencing and the gate to render them in a reasonable state of repair and proper working order.
6. The Committee therefore decided that they would vary the RSEO as stated and they would revoke items (1) and (3) of the RSEO as these works have been satisfactorily completed.
7. The decision of the Committee was a unanimous decision.

#### **Right of Appeal**

8. **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**

9. 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.

Signed ..... **J Taylor** ..... Date 26<sup>th</sup> August 2016  
Chairperson