



**Notice of Variation
of
A Repairing Standard Enforcement Order
Ordered by the Private Rented Housing Committee**

prhp ref: RP/15/0332

Re 2 Afton Place, Ardrossan, KA227JD being the subjects registered in the Land Register of Scotland under title number AYR 25741 ('the Property')

The Parties:-

Mr Jamie McFarlane, residing at the Property ("The Tenant")

Mr John Stevenson, residing at 9 Auchenharvie Road, Saltcoats ("The Landlord")

NOTICE TO

Mr John Stevenson

The Private Rented Housing Committee having determined on 18TH May 2016 that the **Repairing Standard Enforcement Order** relative to the Property dated 18th March 2016 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 respect:-

The period allowed for the completion of the work required by the order is extended until 15th August 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.

M. MCALLISTER

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Chairman

18 May 2016 Date

Martin J. McAllister

At SALTCOATS on 18th May 2016 before

Paula Sinclair, Witness

P. SINCLAIR

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

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The Parties:-

Mr Jamie McFarlane, residing at the Property ("The Tenant")

Mr John Stevenson, residing at 9 Auchendarvie Road, Saltcoats ("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 18th March 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 15th August 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 house dated 18th March 2016 was issued requiring works as specified in the Order to be completed within twenty eight days of service of the RSEO.
2. On 17th May 2016 the Landlord's agents wrote to the Committee indicating that the works detailed in the RSEO could not be completed within the timescale specified in the RSEO. They produced an Electrical Installation Condition Report and copies of invoices for the heating repair, kitchen cupboard repair and for the installation of heat and carbon monoxide detectors. The agents stated that another

window contractor would require to be instructed and as a consequence considered that an extension of time for completion of the work would be required.

Reasons for the Decision

The Committee accepted that not all the works had been done and considered it reasonable to allow the landlord more time to do them. In coming to its decision the Committee accepted that some works appear to have been completed.

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
Martin J McAllister
Chairperson

..... Date 18th May 2016