



**Notice of a Decision to Vary a Repairing Standard Enforcement Order**

**Ordered by the Private Rented Housing Committee**

**Case Reference Number: PRHP/RP/16/0016**

**Land Register Title No: DMB18974**

**Re: 4 West Abercromby Street, Helensburgh G84 9LJ ("the property")**

**The Parties:-**

**Miss Laura Docherty, residing at the property ("the tenant")**

**Mr Gary Dinsdale and Mrs Elizabeth Dinsdale, 1 Glebe Park, Mansewood,  
Dumbarton G82 3HE ("the landlords")**

**Repairing Standard Enforcement Order Against:**

**Mr Gary Dinsdale and Mrs Elizabeth Dinsdale ("the landlords")**

The Private Rented Housing Committee, having determined on 30 June 2016 that the Repairing Standard Enforcement Order relative to the property dated 26 May 2016 and issued on 27 May 2016 should be varied, the committee hereby varies the Repairing Standard Enforcement Order to the effect that the period allowed for the completion of the works required by the Repairing Standard Enforcement Order is extended until 24 August 2016.

**Rights of Appeal**

1. A landlord or tenant aggrieved by the decision of the committee may appeal to the sheriff by summary application within 21 days of being notified of that decision.

2. The appropriate respondent in such appeal proceedings is the other party to the proceedings and not the panel or the committee which made the decision.

**Effects of Section 63**

3. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

IN WITNESS WHEREOF these presents typewritten on this and the preceding page are signed by Sarah Frances O'Neill, Chairperson of the Private Rented Housing Committee, at Glasgow on the fifth day of July Two Thousand and Sixteen before this witness: -

S O'Neill

M Morton

**Chairperson**

**Witness**

MURRAY MORTON name in full

450 ALBYE ST Address

GLASGOW

CIVIL SERVANT. Occupation



## **Determination of the Private Rented Housing Committee**

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

**Case Reference Number: PRHP/RP/16/0016**

**Land Register Title No: DMB18974**

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**The Parties:-**

**Miss Laura Docherty, residing at the property (“the tenant”)**

**Mr Gary Dinsdale and Mrs Elizabeth Dinsdale, 1 Glebe Park, Mansewood, Dumbarton G82 3HE (“the landlords”)**

### **Background**

1. The Private Rented Housing Committee (“the committee”) issued a decision dated 26 May 2016 requiring the landlords to comply with the Repairing Standard Enforcement Order (RSEO) relative to the property issued by the committee on the same date. The RSEO required the landlords to:
  1. Instruct a suitably qualified drainage engineer or other suitably qualified contractor to investigate and rectify any drainage issues within the grounds of the property and reinstate the drain to the rear of the property to ensure that it is in a reasonable state of repair and in proper working order.
  2. Provide an up to date gas safety record in respect of the property by a Gas Safe registered plumbing and heating engineer, showing that the boiler, all associated pipework/radiators including in particular the kitchen radiator and any other gas appliances, have been checked, repaired as necessary and are in a safe and proper working order.

3. Instruct a suitably qualified contractor to investigate the cause of the leak above the living room window and to carry out such works as are necessary to ensure that the leak is eliminated and therefore the structure and exterior of the property and in particular, the living room window, are in a reasonable state of repair and in proper working order.
4. Instruct a suitably qualified and registered SELECT or NICEIC electrical contractor to repair or replace the faulty electrical socket in the tenant's daughter's bedroom and the light and extractor fan in the en-suite off that bedroom as necessary to ensure that they are in a reasonable state of repair and in proper working order.
5. Obtain a dampness report in respect of the property from a suitably qualified damp specialist and carry out any works identified in that report which are necessary to treat the dampness within the rear hall and rear bedroom, in order to ensure that the structure and exterior of the property is in a reasonable state of repair and in proper working order.
6. Repair or replace the washing machine as necessary in order to ensure that it is in a reasonable state of repair and in proper working order.
7. Fit draught excluders to the front door and reinstate/repair the cat flap on the back door to ensure that these doors are wind and water tight.
8. On completion of all the above works, ensure that all affected finishes and decoration are restored to an acceptable standard.

The committee ordered that the works specified in this order must be carried out and completed within the period of **eight weeks** from the date of service of the RSEO.

2. On 20 June 2016, the panel received an email from Mr Dinsdale, advising that he had given the tenant 48 hours' notice that he intended to visit the outside of the property in order to ascertain whether the drain to the rear of the property was the landlords' sole responsibility, or was also (or solely) the responsibility of the neighbour upstairs and to measure the back door panel, to have new panels prepared for fitting. He pointed to an email to him from the tenant, which had been copied to the panel, stating that she would call the police if he came to the property. He stated that he had intended to be present at the property to ensure that his tradespeople obtained access to the property, as there had been difficulties with this in the past. He thought it would be very difficult to have contractors visit the property unless he could personally ensure they had agreed access.

3. Mr Dinsdale also stated that the contractor he had instructed prior to the committee hearing had not yet carried out the water testing to ascertain the cause of the leak above the living room window. He said that the tenant had offered to vacate the property on 6 July 2016, and that assuming he was unable to gain access before she does so, that would only give him 2 weeks to have the work carried out before the completion date set out in the RSEO.
4. A further email was received from Mr Dinsdale on 29 June, forwarding on an email chain from his solicitor which showed confirmation from the tenant's CAB representative that she would hand in the keys on 12 July.
3. Having considered the emails received from Mr Dinsdale, the committee considers that in all the circumstances, it would be reasonable to vary the RSEO to allow a further period for the completion of the works required. The committee accordingly varies the RSEO to extend the period for the completion of the works for a further four weeks until 24 August 2016.

### **Rights of Appeal**

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### **Effects of Section 63**

3. Where such an appeal is made, the effect of the decision and of any Order made in consequence of it is suspended until the appeal is abandoned or finally determined. Where the appeal is abandoned or finally determined by confirming the decision, the decision and the Order made in consequence of it are to be treated as having effect from the day on which the appeal is abandoned or so determined.

S O'Neill

**Signed....**

**Date.....** 6/7/16 .....

**Chairperson**