



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

**PRHP Ref:** PRHP/RP/16/0143

**Property at:** 27 Cultrig Drive, Whitburn, West Lothian EH47 8HN

**Title No:** WLN24264

**The Parties**

Ryan Deacon, residing at 27 Cultrig Drive, Whitburn, West Lothian EH47 8HN  
("the tenant")

and

George Weir & Ann Isobel Weir, residing at 34 Holm Road, Crossford, Lanark ML8 5RG  
("the landlord")

The Private Rented Housing Committee, having considered representations from the landlord, determined on 22 November 2016 that the Repairing Standard Enforcement Order relative to the property, served on 16 August 2016 should be varied. The said Repairing Standard Enforcement Order is hereby varied 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 for a further three months from the date of service of this notice.

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 signed by Paul Doyle, solicitor, 24 Haddington Place, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 22 November 2016 before this witness:-

E. DOYLE

P. DOYLE

\_\_\_\_\_ witness

\_\_\_\_\_ chairman

ETNA DOYLE  
24 HADDINGTON PLACE  
EDINBURGH



**Statement of decision of the Private Rented Housing  
Committee under Section 25(1) of the Housing  
(Scotland) Act 2006**

**PRHP Ref:** PRHP/RP/16/0143

**Property at:** 27 Cultrig Drive, Whitburn, West Lothian EH47 8HN

**Title No:** WLN24264

**The Parties**

Ryan Deacon, residing at 27 Cultrig Drive, Whitburn, West Lothian EH47 8HN  
("the tenant")

and

George Weir & Ann Isobel Weir, residing at 34 Holm Road, Crossford, Lanark ML8  
5RG  
("the landlord")

**Decision**

**The Committee, having made such enquiries as it saw fit for the purposes of determining whether the Landlord has complied with the Repairing Standard Enforcement Order ("RSEO") in relation to the Property determined that the Landlord should be given an extension of a further three months to the period allowed for completion of the works required in terms of Section 25(1) of the Housing (Scotland) Act 2006 ("the Act")**

Committee Members

Paul Doyle	Chairperson
Charles Reid-Thomas	Surveyor Member

Background

1. Reference is made to the determination of the committee dated 21 June 2016, which determined that the Landlord had failed to comply with the duty imposed by section 14 (1)(b) of the Act, and that he failed to ensure that the property met the repairing standard. The works required by the RSEO were:

(i) Repair or replace the timer on the gas central heating boiler and thereafter provide the PRHP with a report from a suitably qualified, and Gas Safe registered heating engineer on the condition of the gas central heating boiler, &, if necessary, carry out any further repairs or replacement to ensure that the boiler is in proper working order.

(ii) Repair or replace the front door, the double hallway doors and the patio

doors to the rear of the property.

(iii) Repair or replace the PVC drainage serving the kitchen sink and fit a properly working overflow drain pipe to the kitchen sink.

2. A re-inspection of the property was arranged for 24 November 2016. On 31 October 2016 the landlord wrote to the PRHP saying that he could not complete the works until January 2017 and asking for further time to complete the works required. In the meantime, the tenancy has been lawfully terminated and the tenant has removed from the property.

3. The Committee considered whether to grant the Landlord an extension of time to allow the required works to be carried out under the RSEO. The Committee noted the extent of the works required to comply with the terms of the RSEO and the Landlords' willingness to carry out the works. The tenancy is at an end, so that the tenant suffers no prejudice as a result of the delay. On that basis, the Committee was satisfied that it was appropriate to extend the period for compliance with the terms of the RSEO by a further three months.

### **Decision**

4. The decision of the Committee was unanimous

### **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.

P. DOYLE

Signed.....  
Chairperson.

22 November 2016