



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

prhp ref: RP/16/0222

Re 22 Dundonald Crescent, Auchengate, Irvine, Ayrshire, KA11 5 AX being the subjects registered in the Land Register of Scotland under title number AYR85278 ('the Property')

The Parties:-

Mr Kenneth Taylor, residing at the Property ("The Tenant")

G1 Property Investments Limited (in Administration), (SC325033) Grant Thornton UK LLP, Level 8, 110 Queen Street, Glasgow, G1 3BX ("The Landlord")

NOTICE TO

G1 Property Investments Limited (In Administration)

The Private Rented Housing Committee having determined on 26th September 2016 that the **Repairing Standard Enforcement Order** relative to the Property and made on 16th August 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 30th 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.

M. MCALLISTER

PAULA SINCLAIR

Martin J. McAllister, Chairman

At SALTCOATS on 26th September 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

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being the subjects registered in the Land Register of Scotland under
title number AYR85278 ('the Property')**

The Parties:-

Mr Kenneth Taylor, residing at the Property ("The Tenant")

**G1 Property Investments Limited (in Administration), (SC325033) Grant
Thornton UK LLP, Level 8, 110 Queen Street, Glasgow, G1 3BX ("The
Landlord")**

Decision

The Committee having considered the representations of the Landlord that it has been unable to comply with the Repairing Standard Enforcement Order (hereinafter referred to as the "RSEO") dated 16th September 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 2006 Act"). The RSEO is varied as follows:

**The period for carrying out the works detailed in the RSEO is extended
to 30th November 2016.**

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

Background

1. A Repairing Standard Enforcement Order (RSEO) relative to the house dated 16th August 2016 was issued requiring works as specified in the Order to be completed within twenty eight days of service of the RSEO.

2. The Landlord's representative wrote to the Committee on 22nd September 2016 indicating that the works detailed in the RSEO could not be completed within the timescale specified in the RSEO. The letter stated that the Landlord had experienced difficulties in getting access to the Property to carry out the work. The Committee was provided with copies of correspondence concerning issues of access prior to the date of the RSEO. It was also provided with copies of correspondence concerning access after the date of the Hearing but prior to service of the RSEO.
3. The Landlord's representative requested that the Committee consider varying the RSEO in terms of Section 25 of the 2006 Act. The Committee was requested to either vary the RSEO so that works be done by a specific date or alternatively within twenty eight days of the Landlord gaining access to the Property.
4. The Landlord's representative requested that the Committee consider granting assistance under Section 28C of the 2006 Act so that the Landlord can exercise its right of entry. The application of the landlord is in terms of Sections 28A and 181 (4) (b) of the 2006 Act.
5. The Landlord's representative also requested the Committee to consider that the Landlord has not failed to comply with the RSEO or alternatively that the Landlord has a reasonable excuse not to comply.
6. The Tenant is no longer a party to proceedings but for consistency is still referred to in this Decision and in the Notice of Variation.

Decision

7. The Committee determines that the Repairing Standard Enforcement Order be varied as follows:

The works to be done in terms of the repairing standard enforcement order dated 16th August 2016 require to be completed by 30th November 2016.

8. The Committee made no determination in respect of the application under Section 28A of the 2006 Act.
9. The Committee made no determination in respect of other motions made by the Landlord's representative.

Reasons for the Decision

10. The Committee accepted that the works had not been done and considered it reasonable to allow the Landlord more time to do them. In coming to its decision the Committee noted that the copy correspondence between the Landlord's agent and Mr Taylor and

emails of Cairn Letting provided confirmation that efforts had been made by the Landlord to attend the property. Contractors attended on 25th August and Mr Taylor's letter to Cairn Letting on 26th August made reference to the attendance of a contractor but took issue with a lack in identification. The Committee also noted correspondence from the Landlord's agent to Mr Taylor asking him to make contact with a contractor so that works can be done.

11. In determining the terms of the variation the Committee considered that it would be appropriate to vary the RSEO to a fixed date.
12. In terms of Section 28A of the 2006 Act, the president of the private rented housing panel must allocate any application for assistance in gaining access to a Property to an individual member of the panel. The Committee did not consider that it could deal with the application of the Landlord.
13. The Committee considered that it would be premature to consider the other motions of the Landlord. It would be open to the Landlord to make such motions if it was unable to get access to the Property.

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.

Signed
M. MCALLISTER

Date 26th September 2016

Martin J McAllister
Chairperson