



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: prhp/EH15/169/12

Re : Property at 5/2 Brighton Place, Edinburgh EH15 1LH ("the Property")

The Parties:-

Sofia Jawaid Mir, formerly 16 Duddingston Crescent, Edinburgh and now 140 Portobello High Street, Edinburgh EH15 1AH ("the Landlord")

Miss Elizabeth Fraser, 5/2 Brighton Place, Edinburgh EH15 1LH ("the Tenant")

NOTICE TO SOFIA JAWAID MIR ("the Landlord")

The Private Rented Housing Committee having determined on 30 April 2013 that the **Repairing Standard Enforcement Order** relative to the Property served on 16 January 2013 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 respects:-

1. The period allowed for the completion of the work required by the order is extended for a further period of one month.
2. The steps which the Committee require the landlord to take in complying with the order are amended as follows :- to ensure that the plaster applied to the areas of plasterboard sheeting in two of the bedrooms in the Property has dried out to the satisfaction of the Committee.

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.

In witness whereof these presents type written on this and the preceding page(s) are executed by George Barrie Clark, solicitor, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on 30 April 2013 before this witness, Valerie Elizabeth Jane Clark, 7 Newbattle terrace, Edinburgh:-

V Clark witness

G Clark chairman



Statement of decision of the Private Rented Housing Committee under Section 24 (1) of the Housing (Scotland) Act 2006

prhp Ref: prhp/EH15/169/12

Re : Property at 5/2 Brighton Place, Edinburgh EH15 1LH ("the Property")

The Parties:-

Miss Elizabeth Fraser, 5/2 Brighton Place, Edinburgh EH15 1LH ("the Tenant")

Ms Sofia Jawaid Mir, formerly 26 Duddingston Crescent, Edinburgh, now 140 Portobello High Street, Edinburgh EH15 1AH, represented by her sister Aisha Mir ("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 duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act") in relation to the house concerned, decided to vary the Repairing Standard Enforcement Order served on 16 January 2013 under Section 25(3) of the Act.

Background

- 1 By application dated 31 August 2012, the Tenant applied to the Private Rented Housing Panel for a determination of whether the Landlord had failed to comply with the duties imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006 ("the Act").
- 2 The application by the Tenant stated that the Tenant considered that the Landlord had failed to comply with his duty to ensure that the house meets the repairing standard.
- 3 By letter dated 22 October 2012 the President of the Private Rented Housing Panel intimated a decision to refer the application under Section 22 (1) of the Act to a Private Rented Housing Committee.
- 4 The Private Rented Housing Committee ("the Committee") inspected the Property on the morning of 17 December 2012. The Tenant and the Landlord were present during the inspection. The Committee comprised George Clark (chair), Donald Marshall (surveyor) and Christine Anderson (housing member).
- 5 Following the inspection of the Property the Committee held a hearing at Thistle House, Haymarket Terrace, Edinburgh and heard from both the Tenant and the Landlord. The Landlord was accompanied by Afzal Boksh, a friend of the Landlord's family. The Tenant was accompanied by Sara Booth of EHAP.
- 6 Having heard the representations made by and on behalf of the Landlord and Tenant, the Committee issued a Repairing Standard Enforcement Order. The Order was dated 17 December 2012 and was served on the Landlord on 16 January 2013.
- 7 The surveyor member of the Committee re-inspected the Property on 4 March 2013 and advised that a number of the repairs included in the Repairing Standard Enforcement Order had been carried out, but that a number remained outstanding, in particular the application of a skim of plaster to the plasterboard sheeting in two of the bedrooms. The

external common repair works to the tenement of which the Property forms part had not yet been completed.

- 8 The Private Rented Housing Panel was advised by the Landlord on 17 April 2013 that the Tenant had vacated the Property on 6 April 2013 and the Committee had, therefore, to determine whether the application should be abandoned in terms of Schedule 2 Paragraph 7(3) of the Act. The Tenant had, prior to vacating the property, made representations to the Private Rented Housing Panel to the effect that the plaster work in two of the bedrooms included in the Repairing Standard Enforcement Order had been carried out, but that the plaster was still wet. Accordingly, the Committee decided that it would not be appropriate to discharge the Repairing Standard Enforcement Order or to regard the application as abandoned until the surveyor member of the Committee re-inspected the Property and confirmed that the plaster was dry. The Committee emphasised that the Landlord should not re-let the Property until the further inspection had been carried out and the Committee was satisfied that the plaster had dried out.
- 9 The Committee was of the view that a further period of one month from the date of intimation of its determination should be granted to enable the Landlord to comply with the terms of the Repairing Standard Enforcement Order.
- 10 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.

Signed **G Clark** Date 30 April 2013
Chairperson 