



Notice of a decision to Vary

A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref: PRHP/EH10/192&202/12

Re : Property at 27C Hartington Place, Edinburgh, EH10 4LF("the Property")

The Parties:-

EWAN DOWNIE c/o ALBA Residential Ltd, 21-23 Church Hill Place, Edinburgh EH10 4BE (represented by their agent, ALBA Residential Ltd, 21-23 Church Hill Place, Edinburgh EH10 4BE) ("the Landlord(s))"

Ms ANNIE CHEUNG, formerly residing at 27C Hartington Place, Edinburgh ("the Tenant")

NOTICE TO EWAN DOWNIE c/o ALBA Residential Ltd, 21-23 Church Hill Place, Edinburgh EH10 4BE ("the Landlord")

The Private Rented Housing Committee having determined on 30th January 2013 that the **Repairing Standard Enforcement Order** relative to the Property served on 30th 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 four weeks from the date of service of this notice.

Subsection 25(3) of the Housing (Scotland) Act 2006 applies 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 executed by Paul Doyle, solicitor, 24 Haddington Place, Edinburgh, chairperson of the Private Rented Housing Committee at Edinburgh on <> February 2013 before this witness:-

J Oswald

witness

P Doyle

chairman

Julie Oswald
Cashier
24 Haddington Place
Edinburgh



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

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The Parties:-

EWAN DOWNIE c/o ALBA Residential Ltd, 21-23 Church Hill Place, Edinburgh EH10 4BE (represented by their agent, ALBA Residential Ltd, 21-23 Church Hill Place, Edinburgh EH10 4BE) ("the Landlord(s))"

Ms ANNIE CHEUNG, formerly residing at 27C Hartington Place, Edinburgh ("the Tenant")

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 four weeks to the period allowed for completion of the works required in terms of Section 25(1) of the Housing (Scotland) Act 2006 ("the Act")

Background

1. Reference is made to the determination of the committee dated 30th January 2013, 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:

- (a) To repair & replace slipped. Cracked & loose roofing slates, and carry out all ancillary roofing works to ensure that the roof over the property is wind & water tight, & to eradicate leaks from the roof.
- (b) To repair & replace defective flashings to the chimney stack serving the property & carry out all other necessary works to the chimney & chimney stack to eradicate water ingress to the property.
- (c) To produce a report from a reputable roofing contractor providing a specification of all works carried out on the completion of the works called for above.

And

- (d) to repair & (if necessary) replace the entry phone system connecting the property to the main stair door.

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2 The RSEO gave the Landlord six weeks from the date of service of notice to carry out the works.

3. By email dated 6th February 2013, the Landlord's agents wrote to the committee to advise that further time was required to complete the works because of the nature & extent of the works required, and because of delays in supply of necessary materials. The Landlord's agents explained that the property is empty & will not be marketed for rental until the works required by the RSEO are completed.

4. The Committee considered whether to grant the Landlord an extension for the period of the 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 Committee were conscious that the Landlord will not be able to re-let the property until the RSEO had been fully complied with (to do so would be a criminal offence). On that basis the Committee was satisfied that it was appropriate to extend the period for compliance with the terms of the RSEO by four weeks.

Decision

5. 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 **P Doyle**
Date..... 25/2/2015
Chairperson