



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

PRHP/DG13/193/11

Title Number: DMF12162

Re: The residential dwellinghouse at

**1 Shielburn Cottages
Westerkirk
Langholm
Dumfries and Galloway
DG13 0NJ
("the Property")**

The Parties:-

**Mr Kenny McQuillan and Mrs Erna McQuillan
("the Tenants")**

and

**Ms Jacqueline Morris
C/O C & D Property Services
17/19 High Street
Longtown
Carlisle
CA6 5UA
("the Landlord")**

NOTICE TO THE LANDLORD

The Private Rented Housing Committee having determined on 14 June 2012 that the Repairing Standard Enforcement Order ("the RSEO") dated 28 February 2012 relative to the Property should be varied, hereby varies the RSEO with effect from the date of service of this Notice in that the period allowed for completion of the works required by the RSEO is extended until 29 June 2012.

Section 25(3) of the Housing (Scotland) Act 2006 does apply in this case.

A Landlord or Tenant aggrieved by the decision of a PRHP 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 decision and of the RSEO 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 RSEO will be treated as having effect from the day on which the appeal is abandoned or so determined.

In witness whereof this and the preceding page are subscribed by Ronald G Handley, Solicitor, Chairperson of the Private Rented Housing Committee at Dunbar on the fourteenth day of June 2012 before this witness:

J Handley

R Handley

witness

chairperson

JANE HANDLEY

name of witness

23 LESLIE WAY

address of witness

DUNBAR

EH42 1GP



Decision by the Private Rented Housing Committee

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

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The Background

1. On 11 November 2011 the Tenants applied to the Private Rented Housing Panel ("the PRHP") for a determination as to whether or not the Landlord had failed to comply with the duties imposed by Section 14(1) (b) of the Housing (Scotland) Act 2006 ("the Act").
2. Following receipt of the application, the President of the PRHP intimated that the application should be referred to a Private Rented Housing Committee in accordance with Section 22(1) of the Act.
3. The Private Rented Housing Committee inspected the Property on 17 February 2012 at 11.00am. The Tenants were both present at the inspection as was Mr Robin Steel from C & D Property Services. A

Hearing was arranged for 12.00pm in the Eskdale Hotel, High Street, Langholm. The Tenants attended the Hearing as did Mr Robin Steel.

4. The Committee determined that the Landlord had failed to comply with the duty imposed by section 14(1)(b) of the Act.
5. The Committee proceeded to make a Repairing Standard Enforcement Order ("the RSEO") as required by section 24(1) of the Act.
6. The RSEO required the Landlord to:-
 - (a) replace the putty missing in some of the windows;
 - (b) carry out such works as are necessary to repair the defective seals in the double glazing units;
 - (c) repair or replace the defective velux window frame in the upper hall and ensure that it is wind and water tight;
 - (d) repair or replace the skirting boards in the hall area at the back door and investigate the floor structure in the corner of the side room where the floor appears to have sunk leaving a gap under the skirting board and to make good as required;
 - (e) repair or replace the front and back door/door frames;
 - (f) repair or replace the bathroom door frame;
 - (g) repair the flushing mechanism in the WC to ensure that it is in proper working order;
 - (h) replace the defective fire bricks in the fire place in the dining room;
 - (i) provide the Committee with a copy of the current Electricity Safety Report and made good any defects identified in the Report;
 - (j) repair and secure the fence to the rear/side of the Property to ensure that it is in a reasonable state of repair and in proper working order;
 - (k) inspect the drain at the front of the Property and carry out such works as are necessary to ensure that it is in proper working order;
 - (l) make good any damage resulting from the remedial works carried out in accordance with the RSEO.
7. The Private Rented Housing Committee ordered that the works specified in the RSEO be carried out and completed on or before 25 April 2012.

Variation of the RSEO

- 8. The Landlord subsequently advised the Private Rented Housing Committee that the works required to comply with the RSEO would not be completed by 25 April 2012. The Private Rented Housing Committee was satisfied that the Landlord intended to comply with the requirements of the RSEO and accordingly, in terms of the powers under section 25 of the Act decided to vary the RSEO.
- 9. The Private Rented Housing Committee decided that the RSEO should be varied by allowing a further period of time for the required works to be fully completed. The Private Rented Housing Committee determined that the works now be completed on or before 29 June 2012.
- 10. The Committee proceeded to make a variation of the RSEO.
- 11. The decision of the Committee was unanimous.

Right of Appeal

- 12. A Landlord or Tenant aggrieved by the decision of a PRHP Committee may appeal to the Sheriff by summary application within 21 days of being notified of that decision.

Effect of section 63

- 13. 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. 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 **R Handley** Date 14 June 2012
Chairperson