



## Notice of a decision to Vary

### A Repairing Standard Enforcement Order

Ordered by the Private Rented Housing Committee

prhp Ref:PRHP/EH47/197/11

Re : Property at 16 Main Street, Stoneyburn, Bathgate ("the Property")

#### The Parties:-

Richard Gilmour, residing at 16 Main Street, Stoneyburn, Bathgate, West Lothian EH 47 8BA ("the Tenant")

Tony Trowbridge, residing at 74 Lackford Avenue, Totten, Southampton, Hants ("the Landlord")

**NOTICE TO Tony Trowbridge, residing at 74 Lackford Avenue, Totten, Southampton, Hants ("the Landlord")**

The Private Rented Housing Committee having determined on 11<sup>th</sup> October 2012 that the **Repairing Standard Enforcement Order** relative to the Property served on 6<sup>th</sup> March 2012 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 11<sup>th</sup> October 2012 before this witness:-

**R Hymers**

witness

REBECCA HYMERS

Secretary  
24 Haddington Place  
Edinburgh

**P Doyle**

chairman



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

**prhp Ref:PRHP/EH47/197/11**

**Re : Property at 16 Main Street, Stoneyburn, Bathgate (“the Property”)**

**The Parties:-**

**Richard Gilmour, residing at 16 Main Street, Stoneyburn, Bathgate, West Lothian EH 47 8BA (“the Tenant”)**

**Tony Trowbridge, residing at 74 Lackford Avenue, Totten, Southampton, Hants (“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 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 2<sup>nd</sup> March 2012, 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 carry out such works as are necessary to replace all cracked, slipped and missing roof slates
- (b) To clean out and repair where necessary the rhones, gutters and downpipes serving the property.”

- 2. The RSEO gave the Landlord six weeks from the date of service of notice (6<sup>th</sup> March 2012) to carry out the works.

3. On 1<sup>st</sup> August 2012 the surveyor member of the Committee re-inspected the property & could see that the Landlord had made attempts to comply with the requirements of the Repairing Standard Order dated 2<sup>nd</sup> March 2012, but that the landlord's efforts had not been entirely successful. The surveyor member drew the following conclusions

*"Whilst efforts to address works required in terms of the RSEO appear to have been undertaken, there appears to be some ongoing issue. Gutters still leak and a number of slipped/missing/damaged slates were evident. It is appreciated that roof coverings are old and there was no immediate indication of water ingress within the flat as a direct result of slating defect. In conclusion, the requirements of the RSEO have been partially addressed, however the landlord is not fully in compliance with the duty imposed by Section 14 (1)(b) of the Housing (Scotland) Act 2006.*

*"It is therefore recommended to the Committee that a further period of time should be given for the Landlord to address the issues identified and to produce satisfactory evidence that all works necessary to comply with the requirements of the RSEO have been undertaken, such as a report detailing works undertaken."*

4. On 13<sup>th</sup> August 2012 the RSEO served on 6<sup>th</sup> March 2012 was varied to enable the Landlord to complete the works necessary to comply with the RSEO. The Landlord's efforts have continued, but the needs of the contractors instructed by the Landlord indicate that the extension of 4 weeks did not allow sufficient time for the necessary works to be completed.
5. 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 position of the Tenant would not be prejudiced by extending the time allowed for the works to be completed and 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**

6. 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.....

Date.....11/19/2012.....

Chairperson